

Bill No. SB 2546

Barcode 741238

585-2246A-05

Proposed Committee Substitute by the Committee on Governmental Oversight and Productivity

1 A bill to be entitled

2 An act relating to obsolete or outdated agency

3 plans, reports, and programs; repealing s.

4 14.25, F.S., relating to the Florida State

5 Commission on Hispanic Affairs; amending s.

6 14.26, F.S.; revising reporting requirements of

7 the Citizen's Assistance Office; repealing s.

8 14.27, F.S., relating to the Florida Commission

9 of African-American Affairs; repealing s.

10 16.58, F.S., relating to the Florida Legal

11 Resource Center; amending s. 17.32, F.S.;

12 revising the recipients of the annual report of

13 trust funds by the Chief Financial Officer;

14 amending s. 17.325, F.S.; deleting a reporting

15 requirement relating to the governmental

16 efficiency hotline; amending s. 20.057, F.S.;

17 deleting a reporting requirement of the

18 Governor relating to interagency agreements to

19 delete duplication of inspections; amending s.

20 20.19, F.S.; deleting provisions relating to

21 planning by the Department of Children and

22 Family Services; deleting provisions relating

23 to planning in service districts of the

24 department; repealing s. 20.316(4)(e), (f), and

25 (g), F.S.; deleting provisions relating to

26 information systems of the Department of

27 Juvenile Justice; amending s. 20.43, F.S.;

28 revising provisions relating to planning by the

29 Department of Health; amending s. 39.001, F.S.;

30 revising provisions relating to planning by the

31 Department of Children and Family Services;

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1 amending s. 39.4086, F.S.; deleting provisions
2 relating to a report by the State Courts
3 Administrator on a guardian ad litem program
4 for dependent children; amending s. 98.255,
5 F.S.; deleting provisions relating to a report
6 on the effectiveness of voter education
7 programs; repealing s. 106.22(10), F.S.;
8 deleting a provision relating to a report by
9 the Division of Elections; amending s.
10 110.1227, F.S.; revising provisions relating to
11 a report by the board of directors of the
12 Florida Long-Term Care Plan; amending s.
13 120.60, F.S.; deleting a provision relating to
14 filing of notice and certification of an
15 agency's intent to grant or deny a license;
16 amending s. 120.695, F.S.; deleting obsolete
17 provisions relating to agency review of rules;
18 amending s. 120.74, F.S.; deleting provisions
19 relating to an agency report of review and
20 revision of rules; amending s. 121.45, F.S.;
21 deleting provisions relating to reports on
22 interstate compacts relating to pension
23 portability; repealing s. 153.952, F.S.,
24 relating to legislative findings and intent on
25 privately owned wastewater systems and
26 facilities; amending s. 161.053, F.S.; deleting
27 a provision relating to a report on the coastal
28 construction control line; amending s. 161.161,
29 F.S.; deleting a provision requiring a report
30 on funding for beach erosion control; repealing
31 s. 163.2526, F.S., relating to a review and

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1 evaluation of urban infill; amending s.
2 163.3167, F.S.; deleting provisions relating to
3 local government comprehensive plans; amending
4 s. 163.3177, F.S.; revising requirements for
5 comprehensive plans; amending s. 163.3178,
6 F.S.; deleting a duty of the Coastal Resources
7 Interagency Management Committee to submit
8 certain recommendations; repealing s.
9 163.519(12), F.S.; deleting a requirement of a
10 report on neighborhood improvement districts by
11 the Department of Legal Affairs; repealing s.
12 186.007(9), F.S.; deleting provisions relating
13 to a committee to recommend to the Governor
14 changes in the state comprehensive plan;
15 amending s. 186.022, F.S.; deleting a reference
16 to the Criminal and Juvenile Justice
17 Information Systems Council; amending ss.
18 189.4035, 189.412, F.S.; revising requirements
19 relating to dissemination of the official list
20 of special districts; amending s. 206.606,
21 F.S.; revising provisions relating to a report
22 on the Florida Boating Improvement Program;
23 amending s. 212.054, F.S.; deleting the
24 requirement of a report on costs of
25 administering the discretionary sales surtax;
26 amending s. 212.08, F.S.; deleting a
27 requirement for a report on the sales tax
28 exemption for machinery and equipment used in
29 semiconductor, defense, or space technology
30 production and research and development;
31 repealing s. 213.0452, F.S., relating to a

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1 report on the structure of the Department of
2 Revenue; repealing s. 213.054, F.S., relating
3 to monitoring and reporting on persons claiming
4 tax exemptions; amending s. 216.011, F.S.;
5 redefining the term "long-range program plan";
6 amending s. 216.013, F.S.; revising
7 requirements with respect to long-range program
8 plans; repealing s. 216.1825, F.S., relating to
9 zero-based budgeting; amending s. 252.55, F.S.;
10 revising certain reporting requirements
11 relating to the Civil Air Patrol; amending s.
12 253.7825, F.S.; deleting provisions relating to
13 the plan for the Cross Florida Greenways State
14 Recreation and Conservation Area; repealing s.
15 253.7826, F.S., relating to Cross Florida Barge
16 Canal structures; amending s. 259.037, F.S.;
17 revising provisions relating to a report of the
18 Land Management Uniform Accounting Council;
19 repealing s. 265.56, F.S., relating to an
20 annual report by the Department of State;
21 repealing s. 267.074(4), F.S.; deleting
22 provisions relating to a plan for the State
23 Historical Marker Program; repealing s.
24 282.102(28), F.S.; deleting a requirement for a
25 report by the State Technology Office;
26 repealing s. 284.50(3), F.S.; deleting a
27 requirement for a report by the Interagency
28 Advisory Council on Loss Prevention and
29 department heads; amending s. 287.059, F.S.;
30 deleting a requirement for reporting proposed
31 fee schedules for private attorney services for

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1 the Attorney General's office; repealing s.
2 288.108(7), F.S.; deleting a requirement for a
3 report by the Office of Tourism, Trade, and
4 Economic Development on high-impact businesses;
5 repealing s. 288.1185, F.S., relating to the
6 Recycling Markets Advisory Committee; amending
7 s. 288.1229, F.S.; revising duties of the
8 direct-support organization to support
9 sports-related industries and amateur
10 athletics; repealing s. 288.7015(4), F.S.;
11 deleting a requirement for a report by the
12 rules ombudsman in the Executive Office of the
13 Governor; amending s. 288.7771, F.S.; revising
14 a reporting requirement of the Florida Export
15 Finance Corporation; repealing s. 288.8175(8),
16 (10), and (11), F.S.; deleting certain
17 responsibilities of the Department of Education
18 with respect to linkage institutes between
19 postsecondary institutions in this state and
20 foreign countries; repealing s. 288.853(5),
21 F.S.; deleting the requirement of a report on
22 assistance to and commerce with Cuba; amending
23 s. 288.95155, F.S.; revising requirements for a
24 report by Enterprise Florida, Inc., on the
25 Florida Small Business Technology Growth
26 Program; amending s. 288.9604, F.S.; deleting a
27 requirement of a report by the Florida
28 Development Finance Corporation; amending s.
29 288.9610, F.S.; revising provisions relating to
30 annual reporting by the corporation; amending
31 s. 292.04, F.S.; deleting provisions relating

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1 to a survey by the Florida Commission on
2 Veterans' Affairs; amending s. 292.05, F.S.;
3 revising requirements relating to a report by
4 the Department of Veterans' Affairs; repealing
5 ss. 296.16, 296.29, F.S., relating to reports
6 by the executive director of the Department of
7 Veterans' Affairs; repealing s. 315.03(12)(c),
8 F.S.; deleting provisions relating to
9 legislative review of a loan program of the
10 Florida Seaport Transportation and Economic
11 Development Council; amending s. 319.324, F.S.;
12 deleting provisions relating to funding a
13 report on odometer fraud prevention and
14 detection; amending s. 322.181, F.S.; revising
15 provisions relating to a study by the
16 Department of Highway Safety and Motor Vehicles
17 on driving by the elderly; repealing s.
18 322.251(7)(c), F.S.; deleting provisions
19 relating to a plan to indemnify persons wanted
20 for passing worthless bank checks; repealing s.
21 365.172(6)(d), F.S.; deleting provisions
22 relating to a study by the board of directors
23 of the Wireless 911 Board; repealing s.
24 366.82(4), F.S.; deleting a provision relating
25 to reports by utilities to the Public Service
26 Commission; repealing s. 370.26(8), F.S.;
27 deleting a duty of the Fish and Wildlife
28 Conservation Commission relating to an
29 aquaculture plan; amending s. 372.5712, F.S.;
30 revising provisions relating to a report by the
31 commission on waterfowl permit revenues;

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1 amending s. 372.5715, F.S.; revising provisions
 2 relating to a report by the commission on wild
 3 turkey permit revenues; repealing s. 372.673,
 4 F.S., relating to the Florida Panther Technical
 5 Advisory Council; repealing s. 372.674, F.S.,
 6 relating to environmental education; amending
 7 s. 373.0391, F.S.; deleting provisions relating
 8 to provision of certain information by water
 9 management districts; amending s. 373.046,
 10 F.S.; deleting an obsolete provision requiring
 11 a report by the secretary of the Department of
 12 Environmental Protection; amending s. 373.1963,
 13 F.S.; deleting an obsolete provision relating
 14 to an agreement between the West Coast Regional
 15 Water Supply Authority and the Southwest
 16 Florida Water Management District; repealing s.
 17 376.121(14), F.S.; deleting a provision
 18 relating to a report by the Department of
 19 Environmental Protection on damage to natural
 20 resources; repealing s. 376.17, F.S., relating
 21 to reports of the department to the
 22 Legislature; repealing s. 376.30713(5), F.S.;
 23 deleting provisions relating to a report on
 24 preapproved advanced cleanup; amending s.
 25 377.703, F.S.; deleting a requirement for a
 26 report from the Public Service Commission on
 27 electricity, natural gas, and energy
 28 conservation; amending s. 380.06, F.S.;
 29 deleting provisions on transmission of
 30 revisions relating to statewide guidelines and
 31 standards for developments of regional impact;

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1 repealing s. 381.0011(3), F.S.; deleting
2 provisions relating to an inclusion in the
3 Department of Health's strategic plan;
4 repealing s. 381.0066, F.S., relating to
5 planning for implementation of educational
6 requirements concerning HIV and AIDS; repealing
7 s. 381.731, F.S., relating to strategic
8 planning of the Department of Health; amending
9 s. 381.795, F.S.; deleting provisions relating
10 to studies by the Department of Health on
11 long-term, community-based supports; repealing
12 s. 381.90(7)(a), F.S.; deleting provisions
13 relating to the Health Information Systems
14 Council's duty to develop a strategic plan;
15 repealing s. 394.4573(4), F.S.; deleting the
16 requirement for a report by the Department of
17 Children and Family Services on state mental
18 health facility staffing; amending s. 394.4985,
19 F.S.; deleting provisions relating to plans by
20 department districts; amending s. 394.75, F.S.;
21 revising provisions relating to reports by the
22 department on substance abuse and mental health
23 plans; repealing s. 394.82, F.S., relating to
24 funding of expanded community mental health
25 services; amending s. 394.9082, F.S.; deleting
26 obsolete provisions relating to an amendment to
27 the master state plan on behavioral health
28 services and to provision of status reports;
29 repealing s. 394.9083, F.S., relating to the
30 Behavioral Health Services Integration
31 Workgroup; repealing s. 397.321(1) and (20),

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1 F.S.; deleting a requirement that the
2 Department of Children and Family Services
3 develop a plan for substance abuse services;
4 amending s. 397.333, F.S.; deleting the
5 requirement for a report by the Statewide Drug
6 Policy Advisory Council; repealing s.
7 397.94(1), F.S.; deleting provisions relating
8 to children's substance abuse services plans by
9 service districts of the Department of Children
10 and Family Services; amending s. 400.0067,
11 F.S.; revising requirements relating to a
12 report by the State Long-Term Care Ombudsman
13 Council; repealing s. 400.0075(3), F.S.;
14 deleting a provision relating to such report;
15 amending s. 400.0089, F.S.; revising
16 requirements relating to a report by the
17 Department of Elderly Affairs and transferring
18 responsibility for the report to the council;
19 repealing s. 400.148(2), F.S.; deleting a
20 provision relating to a pilot program of the
21 Agency for Health Care Administration on a
22 quality-of-care contract management program;
23 amending s. 400.407, F.S.; deleting provisions
24 relating to a report by the Department of
25 Elderly Affairs on extended congregate care
26 facilities; amending s. 400.419, F.S.;
27 requiring a specified report to be distributed
28 to the Agency for Persons with Disabilities;
29 amending s. 400.967, F.S.; deleting provisions
30 relating to a report by the Agency for Health
31 Care Administration on intermediate care

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1 facilities for developmentally disabled
2 persons; revising agencies that may review the
3 agency's plan; amending s. 402.73, F.S.;
4 deleting provisions relating to a report by the
5 Department of Children and Family Services on
6 competitive procurement of client services;
7 amending s. 403.4131, F.S.; deleting provisions
8 relating to a report on the adopt-a-highway
9 program; repealing s. 403.756, F.S., relating
10 to a report on oil recycling; amending s.
11 403.7895, F.S.; deleting provisions relating to
12 a hazardous waste needs and capacity study;
13 repealing s. 406.02(4)(a), F.S.; deleting a
14 requirement for a report by the Medical
15 Examiners Commission; amending s. 408.033,
16 F.S.; revising provisions relating to reports
17 by local health councils; repealing s.
18 408.914(4), F.S.; deleting provisions requiring
19 the Agency for Health Care Administration to
20 submit a plan on comprehensive health and human
21 services eligibility access to the Governor;
22 amending s. 408.915(3)(i), F.S.; deleting
23 provisions requiring periodic reports on the
24 pilot program for such access; repealing s.
25 408.917, F.S., relating to evaluation of the
26 pilot project; amending s. 409.1451, F.S.;
27 revising requirements relating to reports on
28 independent living transition services;
29 repealing s. 409.146, F.S., relating to the
30 children and families client and management
31 information system; repealing s. 409.152, F.S.,

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1 relating to service integration and family
 2 preservation; repealing s. 409.1679(1), F.S.;
 3 deleting provisions relating to reports
 4 concerning residential group care services;
 5 repealing s. 409.221(4)(k), F.S.; deleting
 6 provisions relating to reports on
 7 consumer-directed care; amending s. 409.25575,
 8 F.S.; deleting provisions relating to a report
 9 by the Department of Revenue regarding a
 10 quality assurance program for privatization of
 11 services; amending s. 409.2558, F.S.; deleting
 12 provisions relating to the Department of
 13 Revenue's solicitation of recommendations
 14 related to a rule on undistributable
 15 collections; amending s. 409.2567, F.S.;
 16 deleting provisions relating to a report by the
 17 Department of Revenue on collection of
 18 assistance from noncustodial parents; amending
 19 s. 409.906, F.S.; deleting a requirement for
 20 reports of child-welfare-targeted case
 21 management projects; amending s. 409.9065,
 22 F.S.; deleting a provision relating to a report
 23 by the Agency for Health Care Administration on
 24 the pharmaceutical expense assistance program;
 25 amending s. 409.91188, F.S.; deleting a
 26 requirement that the Agency for Health Care
 27 Administration monitor and report on a waiver
 28 program for specialty prepaid health plans;
 29 amending s. 409.912, F.S.; revising provisions
 30 relating to duties of the agency with respect
 31 to cost-effective purchasing of health care;

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1 repealing s. 410.0245, F.S., relating to a
2 study of service needs of the disabled adult
3 population; repealing s. 410.604(10), F.S.;
4 deleting a requirement for the Department of
5 Children and Family Services to evaluate the
6 community care for disabled adults program;
7 repealing s. 411.221, F.S., relating to
8 prevention and early assistance; repealing s.
9 411.242, F.S., relating to the Florida
10 Education Now and Babies Later program;
11 repealing s. 413.402(8), F.S.; deleting a
12 provision relating to a plan by the Association
13 of Centers for Independent Living on a personal
14 care attendant program; repealing s.
15 414.1251(3), F.S.; deleting a provision
16 relating to an electronic data transfer system
17 for the learnfare program; amending s. 414.14,
18 F.S.; deleting a provision relating to a report
19 by the secretary of the Department of Children
20 and Family Services on public assistance policy
21 simplification; repealing s. 414.36(1), F.S.;
22 deleting a provision relating to a plan for
23 privatization of recovery of public assistance
24 overpayment claims; repealing s. 414.391(3),
25 F.S.; deleting provisions relating to a plan
26 for automated fingerprint imaging; amending s.
27 415.1045, F.S.; deleting a requirement for a
28 study by the Office of Program Policy Analysis
29 and Government Accountability on documentation
30 of exploitation, abuse, or neglect; amending s.
31 415.111, F.S.; deleting the requirement for a

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1 report by the Department of Children and Family
2 Services on exploitation, abuse, or neglect;
3 amending s. 420.622, F.S.; revising
4 requirements relating to a report by the State
5 Council on Homelessness; repealing s.
6 420.623(4), F.S.; deleting a requirement for a
7 report by the Department of Community Affairs
8 on homelessness; amending s. 427.704, F.S.;
9 revising requirements relating to a report by
10 the Public Service Commission on a
11 telecommunications access system; amending s.
12 427.706, F.S.; revising requirements relating
13 to a report by the advisory committee on
14 telecommunications access; amending s. 430.04,
15 F.S.; revising duties of the Department of
16 Elderly Affairs with respect to certain reports
17 and recommendations; amending s. 430.502, F.S.;
18 revising requirements with respect to reports
19 by the Alzheimer's Disease Advisory Committee;
20 amending s. 430.707, F.S.; deleting provisions
21 relating to a report by the Department of
22 Elderly Affairs on contracts with managed care
23 organizations; amending s. 445.003, F.S.;
24 revising requirements relating to a report by
25 Workforce Florida, Inc., on the Incumbent
26 Worker Training Program; amending s. 445.004,
27 F.S.; deleting provisions relating to
28 appointment of members to Workforce Florida,
29 Inc.; amending s. 445.006, F.S.; deleting
30 provisions relating to a strategic plan for
31 workforce development; repealing s. 446.27,

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1 F.S., relating to a report by the former
2 Department of Labor and Employment Security;
3 amending s. 446.50, F.S.; deleting provisions
4 relating to a state plan for displaced
5 homemakers; repealing s. 455.204, F.S.,
6 relating to long-range policy planning in the
7 Department of Business and Professional
8 Regulation; repealing s. 455.2226(8), F.S.;
9 deleting a requirement for a report by the
10 Board of Funeral Directors and Embalmers;
11 repealing s. 455.2228(6), F.S.; deleting a
12 requirement for reports by the Barbers' Board
13 and the Board of Cosmetology; amending s.
14 456.025, F.S.; revising requirements relating
15 to a report to professional boards by the
16 Department of Health; repealing s. 456.031(5),
17 F.S.; deleting provisions relating to reports
18 by professional boards about instruction on
19 domestic violence; repealing s. 456.033(8),
20 F.S.; deleting provisions relating to reports
21 by professional boards about HIV and AIDS;
22 repealing s. 456.034(6), F.S.; deleting
23 provisions relating to reports by professional
24 boards about HIV and AIDS; amending s. 517.302,
25 F.S.; deleting a requirement for a report by
26 the Office of Financial Regulation on deposits
27 into the Anti-Fraud Trust Fund; repealing s.
28 526.3135, F.S., relating to reports by the
29 Division of Standards; repealing s. 531.415(3),
30 F.S.; deleting the requirement of a report by
31 the Department of Agriculture and Consumer

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1 Services on fees; repealing s. 553.975, F.S.,
 2 relating to a report to the Governor and
 3 Legislature by the Public Service Commission;
 4 repealing s. 570.0705(3), F.S.; deleting the
 5 requirement of a report by the Commissioner of
 6 Agriculture about advisory committees;
 7 repealing s. 570.0725(5), F.S.; deleting
 8 provisions relating to a report by the
 9 Department of Agriculture and Consumer Services
 10 about supporting food recovery programs;
 11 repealing s. 570.235(3), F.S.; deleting a
 12 requirement for a report by the pest Exclusion
 13 Advisory Committee; repealing s. 570.543(3),
 14 F.S.; deleting provisions relating to
 15 legislative recommendations of the Florida
 16 Consumers' Council; repealing s. 570.952(5),
 17 F.S.; deleting provisions relating to a
 18 recommendation of the Commissioner of
 19 Agriculture concerning the Florida Agriculture
 20 Center and Horse Park Authority; amending s.
 21 603.204, F.S.; revising requirements relating
 22 to the South Florida Tropical Fruit Plan;
 23 amending s. 644.7021, F.S.; revising provisions
 24 relating to reports by the executive director
 25 of the Statewide Public Guardianship Office;
 26 amending s. 744.708, F.S.; revising provisions
 27 relating to audits of public guardian offices
 28 and to reports concerning those offices;
 29 repealing s. 765.5215(3), F.S.; deleting a
 30 requirement for a report by the Agency for
 31 Health Care Administration about organ

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1 donation; amending s. 768.295, F.S.; revising
 2 duties of the Attorney General relating to
 3 reports about "SLAPP" lawsuits; amending s.
 4 775.084, F.S.; deleting provisions relating to
 5 sentencing of violent career criminals and to
 6 reports of judicial actions with respect
 7 thereto; amending s. 790.22, F.S.; deleting
 8 provisions relating to reports by the
 9 Department of Juvenile Justice about certain
 10 juvenile offenses that involve weapons;
 11 repealing s. 943.08(3), F.S.; deleting
 12 provisions relating to planning by the Criminal
 13 and Juvenile Justice Information Systems
 14 Council; repealing s. 943.125(2), F.S.;
 15 deleting provisions relating to reports by the
 16 Florida Sheriffs Association and the Florida
 17 Police Chiefs Association about law enforcement
 18 agency accreditation; amending s. 943.68, F.S.;
 19 revising requirements relating to reports by
 20 the Department of Law Enforcement about
 21 transportation and protective services;
 22 amending s. 944.801, F.S.; deleting a
 23 requirement to deliver to specified officials
 24 copies of certain reports about education of
 25 state prisoners; repealing s. 945.35(10), F.S.;
 26 deleting a requirement for a report by the
 27 Department of Corrections concerning HIV and
 28 AIDS education; repealing s. 948.10(8)(d),
 29 F.S.; deleting a requirement for a report by
 30 the Department of Corrections about placement
 31 of ineligible offenders on community control;

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1 repealing s. 948.045(9), F.S.; deleting
2 provisions relating to a report by the
3 department about youthful offenders; amending
4 s. 960.045, F.S.; revising requirements
5 relating to reports by the Department of Legal
6 Affairs with respect to victims of crimes;
7 repealing s. 985.02(8)(c), F.S.; deleting the
8 requirement of a study by the Office of Program
9 Policy Analysis and Government Accountability
10 on programs for young females within the
11 Department of Juvenile Justice; amending s.
12 985.08, F.S.; deleting provisions relating to a
13 plan by a multiagency task force on information
14 systems related to delinquency; amending s.
15 985.3045, F.S.; deleting provisions relating to
16 a report by the prevention services program;
17 repealing s. 985.3046, F.S., relating to
18 agencies and entities providing prevention
19 services; repealing s. 985.305(5), F.S.;
20 deleting provisions relating to a report by the
21 Department of Juvenile Justice on early
22 delinquency intervention; amending s. 985.309,
23 F.S.; deleting provisions relating to a report
24 concerning a boot camp for children; amending
25 s. 985.31, F.S.; deleting provisions relating
26 to a report on serious or habitual juvenile
27 offenders; amending s. 985.311, F.S.; deleting
28 provisions relating to a report on intensive
29 residential treatment for offenders under 13
30 years of age; amending s. 985.3155, F.S.;
31 deleting provisions relating to submission of

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1 the multiagency plan for vocational education;
2 repealing s. 985.403, F.S., relating to the
3 Task Force on Juvenile Sexual Offenders and
4 their Victims; repealing s. 985.412(7), F.S.;
5 deleting provisions relating to a report by the
6 Department of Juvenile Justice on quality
7 assurance in contractual procurements;
8 repealing s. 1003.492(4), F.S.; deleting
9 provisions relating to a study about
10 industry-certified career education programs;
11 repealing s. 1006.0605, F.S., relating to
12 students' summer nutrition; amending s.
13 1011.32, F.S.; requiring the Governor to be
14 given a copy of a report related to the
15 Community College Facility Enhancement
16 Challenge Grant Program; repealing s.
17 1011.4105(5), F.S.; deleting provisions
18 relating to a plan concerning transition to the
19 university accounting system; repealing s.
20 1013.03(13), F.S.; deleting an obsolete
21 provision relating to the Department of
22 Education's duty to review school construction
23 requirements; amending ss. 370.12, 372.672,
24 409.91196, 411.01, 411.232, 641.386, F.S.,
25 conforming cross-references to changes made by
26 the act; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Section 14.25, Florida Statutes, is
31 repealed.

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Section 2. Subsection (3) of section 14.26, Florida Statutes, is amended to read:

14.26 Citizen's Assistance Office.--

(3) The Citizen's Assistance Office shall report ~~make quarterly reports~~ to the Governor on, ~~which shall include:~~

(a) The number of complaints and investigations ~~and complaints made during the preceding quarter~~ and the disposition of such investigations.

~~(b) Recommendations in the form of suggested legislation or suggested procedures for the alleviation of problems disclosed by investigations.~~

~~(b)(c)~~ A report including statistics which reflect The types of complaints made and an assessment as to the cause of the complaints.

(c) Recommendations for the alleviation of the cause of complaints disclosed by investigations.

(d) Such other information as the Executive Office of the Governor shall require.

Section 3. Section 14.27, Florida Statutes, is repealed.

Section 4. Section 16.58, Florida Statutes, is repealed.

Section 5. Subsection (1) of section 17.32, Florida Statutes, is amended to read:

17.32 Annual report of trust funds; duties of Chief Financial Officer.--

(1) On February 1 of each year, the Chief Financial Officer shall present to the Governor and the Legislature ~~President of the Senate and the Speaker of the House of Representatives~~ a report listing all trust funds as defined in

s. 215.32. The report shall contain the following data

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1 elements for each fund for the preceding fiscal year:

2 (a) The fund code.

3 (b) The title.

4 (c) The fund type according to generally accepted
5 accounting principles.

6 (d) The statutory authority.

7 (e) The beginning cash balance.

8 (f) Direct revenues.

9 (g) Nonoperating revenues.

10 (h) Operating disbursements.

11 (i) Nonoperating disbursements.

12 (j) The ending cash balance.

13 (k) The department and budget entity in which the fund
14 is located.

15 Section 6. Subsection (1) of section 17.325, Florida
16 Statutes, is amended to read:

17 17.325 Governmental efficiency hotline; duties of
18 Chief Financial Officer.--

19 (1) The Chief Financial Officer shall establish and
20 operate a statewide toll-free telephone hotline to receive
21 information or suggestions from the citizens of this state on
22 how to improve the operation of government, increase
23 governmental efficiency, and eliminate waste in government.

24 ~~The Chief Financial Officer shall report each month to the~~
25 ~~appropriations committee of the House of Representatives and~~
26 ~~of the Senate the information or suggestions received through~~
27 ~~the hotline and the evaluations and determinations made by the~~
28 ~~affected agency, as provided in subsection (3), with respect~~
29 ~~to such information or suggestions.~~

30 Section 7. Section 20.057, Florida Statutes, is
31 amended to read:

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1 20.057 Interagency agreements to delete duplication of
2 inspections.--

3 (1) The Governor shall direct any department, the head
4 of which is an officer or board appointed by and serving at
5 the pleasure of the Governor, to enter into an interagency
6 agreement that will eliminate duplication of inspections among
7 the departments that inspect the same type of facility or
8 structure. Parties to the agreement may include departments
9 which are headed by a Cabinet officer, the Governor and
10 Cabinet, or a collegial body. The agreement shall:

11 (a) Authorize agents of one department to conduct
12 inspections required to be performed by another department.

13 (b) Specify that agents of the department conducting
14 the inspection have all powers relative to the inspection as
15 the agents of the department on whose behalf the inspection is
16 being conducted.

17 (c) Require that agents of the department conducting
18 the inspection have sufficient knowledge of statutory and
19 administrative inspection requirements to conduct a proper
20 inspection.

21 (d) Specify that the departments which have entered
22 into the agreement may neither charge nor accept any funds
23 with respect to duties performed under the agreement which are
24 in excess of the direct costs of conducting such inspections.

25 (2) Before taking effect, an agreement entered into
26 under this section must be approved by the Governor.
27 Inspections conducted under an agreement shall be deemed
28 sufficient for enforcement purposes pursuant to the agreement
29 or as otherwise provided by law.

30 ~~(2) No later than 60 days prior to the beginning of~~
31 ~~the regular session, the Governor shall make an annual report~~

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1 ~~to the President of the Senate and the Speaker of the House of~~
 2 ~~Representatives regarding interagency agreements. The report~~
 3 ~~shall identify each interagency agreement entered into under~~
 4 ~~this section, and, for each agreement, shall describe the~~
 5 ~~duplication eliminated, provide data that measures the~~
 6 ~~effectiveness of inspections conducted under the interagency~~
 7 ~~agreement, and estimate the cost savings that have resulted~~
 8 ~~from the agreement. The report shall also describe obstacles~~
 9 ~~encountered by any department in attempting to develop an~~
 10 ~~interagency agreement and in performing duties resulting from~~
 11 ~~an interagency agreement and shall recommend appropriate~~
 12 ~~remedial legislative action.~~

13 Section 8. Subsection (1) and paragraph (c) of
 14 subsection (5) of section 20.19, Florida Statutes, are amended
 15 to read:

16 20.19 Department of Children and Family
 17 Services.--There is created a Department of Children and
 18 Family Services.

19 (1) MISSION ~~AND PURPOSE~~.--

20 ~~(a)~~ The mission of the Department of Children and
 21 Family Services is to protect vulnerable children and adults,
 22 strengthen families, and support individuals and families in
 23 achieving personal and economic self-sufficiency ~~work in~~
 24 ~~partnership with local communities to ensure the safety,~~
 25 ~~well-being, and self-sufficiency of the people served.~~

26 ~~(b)~~ The department shall develop a strategic plan for
 27 ~~fulfilling its mission and establish a set of measurable~~
 28 ~~goals, objectives, performance standards, and quality~~
 29 ~~assurance requirements to ensure that the department is~~
 30 ~~accountable to the people of Florida.~~

31 ~~(c)~~ ~~To the extent allowed by law and within specific~~

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1 ~~appropriations, the department shall deliver services by~~
2 ~~contract through private providers.~~

3 (5) SERVICE DISTRICTS.--

4 ~~(c) Each fiscal year the secretary shall, in~~
5 ~~consultation with the relevant employee representatives,~~
6 ~~develop projections of the number of child abuse and neglect~~
7 ~~cases and shall include in the department's legislative budget~~
8 ~~request a specific appropriation for funds and positions for~~
9 ~~the next fiscal year in order to provide an adequate number of~~
10 ~~full-time equivalent:~~

11 1. ~~Child protection investigation workers so that~~
12 ~~caseloads do not exceed the Child Welfare League Standards by~~
13 ~~more than two cases; and~~

14 2. ~~Child protection case workers so that caseloads do~~
15 ~~not exceed the Child Welfare League Standards by more than two~~
16 ~~cases.~~

17 Section 9. Paragraphs (e), (f), and (g) of subsection
18 (4) of section 20.316, Florida Statutes, are repealed.

19 Section 10. Paragraph (1) of subsection (1) of section
20 20.43, Florida Statutes, is amended to read:

21 20.43 Department of Health.--There is created a
22 Department of Health.

23 (1) The purpose of the Department of Health is to
24 promote and protect the health of all residents and visitors
25 in the state through organized state and community efforts,
26 including cooperative agreements with counties. The
27 department shall:

28 (1) Include in the department's long-range program
29 ~~strategic~~ plan developed under s. 186.021 an assessment of
30 current health programs, systems, and costs; projections of
31 future problems and opportunities; and recommended changes

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1 that are needed in the health care system to improve the
2 public health.

3 Section 11. Subsection (8) of section 39.001, Florida
4 Statutes, is amended to read:

5 39.001 Purposes and intent; personnel standards and
6 screening.--

7 (8) FUNDING AND SUBSEQUENT PLANS.--

8 (a) The department's long-range program plans and
9 legislative budget requests ~~All budget requests submitted by~~
10 ~~the department, the Department of Health, the Department of~~
11 ~~Education, or any other agency to the Legislature for funding~~
12 ~~of efforts for the prevention of child abuse, abandonment, and~~
13 ~~neglect~~ shall be based on and consistent with the most recent
14 state comprehensive plan and updates developed pursuant to
15 this section.

16 (b) The department at the state and district levels
17 and the other agencies listed in paragraph (7)(a) shall review
18 and update the plan annually ~~readdress the plan and make~~
19 ~~necessary revisions every 5 years, at a minimum. Such updates~~
20 ~~revisions~~ shall be submitted to the Governor and the
21 Legislature ~~Speaker of the House of Representatives and the~~
22 ~~President of the Senate~~ no later than June 30 of each year
23 ~~divisible by 5. Annual review and updates shall include~~
24 progress and performance reporting. An annual progress report
25 ~~shall be submitted to update the plan in the years between the~~
26 ~~5-year intervals. In order to avoid duplication of effort,~~
27 ~~these required plans may be made a part of or merged with~~
28 ~~other plans required by either the state or Federal~~
29 ~~Government, so long as the portions of the other state or~~
30 ~~Federal Government plan that constitute the state plan for the~~
31 ~~prevention of child abuse, abandonment, and neglect are~~

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~~clearly identified as such and are provided to the Speaker of the House of Representatives and the President of the Senate as required above.~~

Section 12. Paragraph (h) of subsection (2) of section 39.4086, Florida Statutes, is amended to read:

39.4086 Pilot program for attorneys ad litem for dependent children.--

(2) RESPONSIBILITIES.--

(h) The Statewide Guardian Ad Litem Office ~~of the State Courts Administrator~~ shall conduct research and gather statistical information to evaluate the establishment, operation, and impact of the pilot program in meeting the legal needs of dependent children. In assessing the effects of the pilot program, including achievement of outcomes identified under paragraph (b), the evaluation must include a comparison of children within the Ninth Judicial Circuit who are appointed an attorney ad litem with those who are not. ~~The office shall submit a report to the Legislature and the Governor by October 1, 2001, and by October 1, 2002, regarding its findings. The office shall submit a final report by October 1, 2003, which must include an evaluation of the pilot program; findings on the feasibility of a statewide program; and recommendations, if any, for locating, establishing, and operating a statewide program.~~

Section 13. Subsections (1) and (3) of section 98.255, Florida Statutes, are amended to read:

98.255 Voter education programs.--

(1) ~~By March 1, 2002,~~ The Department of State shall adopt rules prescribing minimum standards for nonpartisan voter education. ~~In developing the rules, the department shall review current voter education programs within each county of~~

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1 ~~the state.~~ The standards shall address, but are not limited
2 to, the following subjects:

- 3 (a) Voter registration;
- 4 (b) Balloting procedures, absentee and polling place;
- 5 (c) Voter rights and responsibilities;
- 6 (d) Distribution of sample ballots; and
- 7 (e) Public service announcements.

8 (3)~~(a)~~ By December 15 of each general election year,
9 each supervisor of elections shall report to the Department of
10 State a detailed description of the voter education programs
11 implemented and any other information that may be useful in
12 evaluating the effectiveness of voter education efforts.

13 ~~(b) The Department of State, upon receipt of such~~
14 ~~information, shall prepare a public report on the~~
15 ~~effectiveness of voter education programs and shall submit the~~
16 ~~report to the Governor, the President of the Senate, and the~~
17 ~~Speaker of the House of Representatives by January 31 of each~~
18 ~~year following a general election.~~

19 ~~(c)~~ The Department of State shall reexamine the rules
20 adopted pursuant to subsection (1) and consider the findings
21 in these reports ~~the report~~ as a basis for adopting modified
22 rules that incorporate successful voter education programs and
23 techniques, as necessary.

24 Section 14. Subsection (10) of section 106.22, Florida
25 Statutes, is repealed.

26 Section 15. Paragraph (a) of subsection (7) of section
27 110.1227, Florida Statutes, is amended to read:

28 110.1227 Florida Employee Long-Term-Care Plan Act.--

29 (7) The board of directors of the Florida
30 Long-Term-Care Plan shall:

31 (a) Upon implementation, prepare an annual report of

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1 the plan, with the assistance of an actuarial consultant, to
2 be submitted to the ~~Speaker of the House of Representatives,~~
3 ~~the President of the Senate, the Governor,~~ and the Legislature
4 ~~the Minority Leaders of the Senate and the House of~~
5 ~~Representatives.~~

6 Section 16. Subsection (3) of section 120.60, Florida
7 Statutes, is amended to read:

8 120.60 Licensing.--

9 (3) Each applicant shall be given written notice
10 either personally or by mail that the agency intends to grant
11 or deny, or has granted or denied, the application for
12 license. The notice must state with particularity the grounds
13 or basis for the issuance or denial of the license, except
14 when issuance is a ministerial act. Unless waived, a copy of
15 the notice shall be delivered or mailed to each party's
16 attorney of record and to each person who has requested notice
17 of agency action. Each notice shall inform the recipient of
18 the basis for the agency decision, shall inform the recipient
19 of any administrative hearing pursuant to ss. 120.569 and
20 120.57 or judicial review pursuant to s. 120.68 which may be
21 available, shall indicate the procedure which must be
22 followed, and shall state the applicable time limits. The
23 issuing agency shall certify the date the notice was mailed or
24 delivered, ~~and the notice and the certification shall be filed~~
25 ~~with the agency clerk.~~

26 Section 17. Subsection (2) of section 120.695, Florida
27 Statutes, is amended to read:

28 120.695 Notice of noncompliance.--

29 (2)~~(a)~~ Each agency shall issue a notice of
30 noncompliance as a first response to a minor violation of a
31 rule. A "notice of noncompliance" is a notification by the

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1 agency charged with enforcing the rule issued to the person or
2 business subject to the rule. A notice of noncompliance may
3 not be accompanied with a fine or other disciplinary penalty.
4 It must identify the specific rule that is being violated,
5 provide information on how to comply with the rule, and
6 specify a reasonable time for the violator to comply with the
7 rule. ~~A rule is agency action that regulates a business,~~
8 ~~occupation, or profession, or regulates a person operating a~~
9 ~~business, occupation, or profession, and that, if not complied~~
10 ~~with, may result in a disciplinary penalty.~~

11 ~~(a)(b)~~ Each agency shall ~~review all of its rules and~~
12 designate those rules for which a violation would be a minor
13 violation and for which a notice of noncompliance must be the
14 first enforcement action taken against a person or business
15 subject to regulation. A violation of a rule is a minor
16 violation if it does not result in economic or physical harm
17 to a person or adversely affect the public health, safety, or
18 welfare or create a significant threat of such harm. If an
19 agency under the direction of a cabinet officer mails to each
20 licensee a notice of the designated rules at the time of
21 licensure and at least annually thereafter, the provisions of
22 paragraph (a) may be exercised at the discretion of the
23 agency. Such notice shall include a subject-matter index of
24 the rules and information on how the rules may be obtained.

25 ~~(c) The agency's review and designation must be~~
26 ~~completed by December 1, 1995; each agency under the direction~~
27 ~~of the Governor shall make a report to the Governor, and each~~
28 ~~agency under the joint direction of the Governor and Cabinet~~
29 ~~shall report to the Governor and Cabinet by January 1, 1996,~~
30 ~~on which of its rules have been designated as rules the~~
31 ~~violation of which would be a minor violation.~~

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1 ~~(b)(d)~~ The Governor or the Governor and Cabinet, as
2 appropriate ~~pursuant to paragraph (c)~~, may evaluate the rule
3 ~~review and~~ designation effects of each agency and ~~may~~ apply a
4 different designation than that applied by the agency.

5 ~~(3)(e)~~ This section does not apply to the regulation
6 of law enforcement personnel or teachers.

7 ~~(4)(f)~~ Rule designation pursuant to this section is
8 not subject to challenge under this chapter.

9 Section 18. Section 120.74, Florida Statutes, is
10 amended to read:

11 120.74 Agency review, revision, and report.--

12 (1) Each agency shall review and revise its rules as
13 often as necessary to ensure that its rules are correct and
14 comply with statutory requirements.

15 (2) Additionally, each agency shall perform a formal
16 review of its rules every 2 years. In the review, each agency
17 must:

18 (a) Identify and correct deficiencies in its rules;

19 (b) Clarify and simplify its rules;

20 (c) Delete obsolete or unnecessary rules;

21 (d) Delete rules that are redundant of statutes;

22 (e) Seek to improve efficiency, reduce paperwork, or
23 decrease costs to government and the private sector; and

24 (f) Contact agencies that have concurrent or
25 overlapping jurisdiction to determine whether their rules can
26 be coordinated to promote efficiency, reduce paperwork, or
27 decrease costs to government and the private sector.

28 ~~(2) Beginning October 1, 1997, and by October 1 of~~
29 ~~every other year thereafter, the head of each agency shall~~
30 ~~file a report with the President of the Senate and the Speaker~~
31 ~~of the House of Representatives, with a copy to each~~

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1 ~~appropriate standing committee of the Legislature, which~~
2 ~~certifies that the agency has complied with the requirements~~
3 ~~of this subsection. The report must specify any changes made~~
4 ~~to its rules as a result of the review and, when appropriate,~~
5 ~~recommend statutory changes that will promote efficiency,~~
6 ~~reduce paperwork, or decrease costs to government and the~~
7 ~~private sector.~~

8 Section 19. Subsection (3) of section 121.45, Florida
9 Statutes, is amended to read:

10 121.45 Interstate compacts relating to pension
11 portability.--

12 (3) ESTABLISHMENT OF COMPACTS.--

13 (a) The Department of Management Services is
14 authorized and directed to survey other state retirement
15 systems to determine if such retirement systems are interested
16 in developing an interstate compact with Florida.

17 (b) If any such state is interested in pursuing the
18 matter, the department shall confer with the other state, ~~and~~
19 the consulting actuaries of both states, and ~~shall present its~~
20 ~~findings to the committees having jurisdiction over retirement~~
21 ~~matters in the Legislature, and to representatives of affected~~
22 ~~certified bargaining units, in order to determine the~~
23 ~~feasibility of developing a portability compact, what groups~~
24 ~~should be covered, and the goals and priorities which should~~
25 ~~guide such development.~~

26 (c) Upon a determination that such a compact is
27 feasible ~~and upon request of the Legislature~~, the department,
28 together with its consulting actuaries, shall, ~~in accordance~~
29 ~~with said goals and priorities~~, develop a proposal under which
30 retirement credit may be transferred to or from Florida in an
31 actuarially sound manner which shall be presented to the

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1 Governor and the Legislature for consideration.

2 ~~(d) Once a proposal has been developed, the department~~
3 ~~shall contract with its consulting actuaries to conduct an~~
4 ~~actuarial study of the proposal to determine the cost to the~~
5 ~~Florida Retirement System Trust Fund and the State of Florida.~~

6 ~~(e) After the actuarial study has been completed, the~~
7 ~~department shall present its findings and the actuarial study~~
8 ~~to the Legislature for consideration. If either house of the~~
9 ~~Legislature elects to enter into such a compact, it shall be~~
10 ~~introduced in the form of a proposed committee bill to the~~
11 ~~full Legislature during the same or next regular session.~~

12 Section 20. Section 153.952, Florida Statutes, is
13 repealed.

14 Section 21. Subsections (3) through (22) of section
15 161.053, Florida Statutes, are amended to read:

16 161.053 Coastal construction and excavation;
17 regulation on county basis.--

18 ~~(3) It is the intent of the Legislature that any~~
19 ~~coastal construction control line that has not been updated~~
20 ~~since June 30, 1980, shall be considered a critical priority~~
21 ~~for reestablishment by the department. In keeping with this~~
22 ~~intent, the department shall notify the Legislature if all~~
23 ~~such lines cannot be reestablished by December 31, 1997, so~~
24 ~~that the Legislature may subsequently consider interim lines~~
25 ~~of jurisdiction for the remaining counties.~~

26 ~~(3)(4)~~ Any coastal county or coastal municipality may
27 establish coastal construction zoning and building codes in
28 lieu of the provisions of this section, provided such zones
29 and codes are approved by the department as being adequate to
30 preserve and protect the beaches and coastal barrier dunes
31 adjacent to such beaches which are under the jurisdiction of

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1 the department from imprudent construction that will
2 jeopardize the stability of the beach-dune system, accelerate
3 erosion, provide inadequate protection to upland structures,
4 endanger adjacent properties, or interfere with public beach
5 access. Exceptions to locally established coastal
6 construction zoning and building codes shall not be granted
7 unless previously approved by the department. It is the
8 intent of this subsection to provide for local administration
9 of established coastal construction control lines through
10 approved zoning and building codes where desired by local
11 interests and where such local interests have, in the judgment
12 of the department, sufficient funds and personnel to
13 adequately administer the program. Should the department
14 determine at any time that the program is inadequately
15 administered, the department shall have authority to revoke
16 the authority granted to the county or municipality.

17 ~~(4)(5)~~ Except in those areas where local zoning and
18 building codes have been established pursuant to subsection
19 ~~(3)(4)~~, a permit to alter, excavate, or construct on property
20 seaward of established coastal construction control lines may
21 be granted by the department as follows:

22 (a) The department may authorize an excavation or
23 erection of a structure at any coastal location as described
24 in subsection (1) upon receipt of an application from a
25 property and/or riparian owner and upon the consideration of
26 facts and circumstances, including:

27 1. Adequate engineering data concerning shoreline
28 stability and storm tides related to shoreline topography;

29 2. Design features of the proposed structures or
30 activities; and

31 3. Potential impacts of the location of such

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1 structures or activities, including potential cumulative
2 effects of any proposed structures or activities upon such
3 beach-dune system, which, in the opinion of the department,
4 clearly justify such a permit.

5 (b) If in the immediate contiguous or adjacent area a
6 number of existing structures have established a reasonably
7 continuous and uniform construction line closer to the line of
8 mean high water than the foregoing, and if the existing
9 structures have not been unduly affected by erosion, a
10 proposed structure may, at the discretion of the department,
11 be permitted along such line on written authorization from the
12 department if such structure is also approved by the
13 department. However, the department shall not contravene
14 setback requirements or zoning or building codes established
15 by a county or municipality which are equal to, or more strict
16 than, those requirements provided herein. This paragraph does
17 not prohibit the department from requiring structures to meet
18 design and siting criteria established in paragraph (a) or in
19 subsection (1) or subsection (2).

20 (c) The department may condition the nature, timing,
21 and sequence of construction of permitted activities to
22 provide protection to nesting sea turtles and hatchlings and
23 their habitat, pursuant to s. 370.12, and to native
24 salt-resistant vegetation and endangered plant communities.

25 (d) The department may require such engineer
26 certifications as necessary to assure the adequacy of the
27 design and construction of permitted projects.

28 (e) The department shall limit the construction of
29 structures which interfere with public access along the beach.
30 However, the department may require, as a condition to
31 granting permits, the provision of alternative access when

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1 interference with public access along the beach is
2 unavoidable. The width of such alternate access may not be
3 required to exceed the width of the access that will be
4 obstructed as a result of the permit being granted.

5 (f) The department may, as a condition to the granting
6 of a permit under this section, require mitigation, financial,
7 or other assurances acceptable to the department as may be
8 necessary to assure performance of conditions of a permit or
9 enter into contractual agreements to best assure compliance
10 with any permit conditions. The department may also require
11 notice of the permit conditions required and the contractual
12 agreements entered into pursuant to the provisions of this
13 subsection to be filed in the public records of the county in
14 which the permitted activity is located.

15 ~~(5)(a)(6)(a)~~ As used in this subsection:

16 1. "Frontal dune" means the first natural or manmade
17 mound or bluff of sand which is located landward of the beach
18 and which has sufficient vegetation, height, continuity, and
19 configuration to offer protective value.

20 2. "Seasonal high-water line" means the line formed by
21 the intersection of the rising shore and the elevation of 150
22 percent of the local mean tidal range above local mean high
23 water.

24 (b) After October 1, 1985, and notwithstanding any
25 other provision of this part, the department, or a local
26 government to which the department has delegated permitting
27 authority pursuant to subsections ~~(3)(4)~~ and ~~(15)(16)~~, shall
28 not issue any permit for any structure, other than a coastal
29 or shore protection structure, minor structure, or pier,
30 meeting the requirements of this part, or other than intake
31 and discharge structures for a facility sited pursuant to part

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1 II of chapter 403, which is proposed for a location which,
2 based on the department's projections of erosion in the area,
3 will be seaward of the seasonal high-water line within 30
4 years after the date of application for such permit. The
5 procedures for determining such erosion shall be established
6 by rule. In determining the area which will be seaward of the
7 seasonal high-water line in 30 years, the department shall not
8 include any areas landward of a coastal construction control
9 line.

10 (c) Where the application of paragraph (b) would
11 preclude the construction of a structure, the department may
12 issue a permit for a single-family dwelling for the parcel so
13 long as:

14 1. The parcel for which the single-family dwelling is
15 proposed was platted or subdivided by metes and bounds before
16 the effective date of this section;

17 2. The owner of the parcel for which the single-family
18 dwelling is proposed does not own another parcel immediately
19 adjacent to and landward of the parcel for which the dwelling
20 is proposed;

21 3. The proposed single-family dwelling is located
22 landward of the frontal dune structure; and

23 4. The proposed single-family dwelling will be as far
24 landward on its parcel as is practicable without being located
25 seaward of or on the frontal dune.

26 (d) In determining the land areas which will be below
27 the seasonal high-water line within 30 years after the permit
28 application date, the department shall consider the impact on
29 the erosion rates of an existing beach nourishment or
30 restoration project or of a beach nourishment or restoration

31 project for which all funding arrangements have been made and

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1 all permits have been issued at the time the application is
2 submitted. The department shall consider each year there is
3 sand seaward of the erosion control line that no erosion took
4 place that year. However, the seaward extent of the beach
5 nourishment or restoration project beyond the erosion control
6 line shall not be considered in determining the applicable
7 erosion rates. Nothing in this subsection shall prohibit the
8 department from requiring structures to meet criteria
9 established in subsection (1), subsection (2), or subsection
10 ~~(4)(5)~~ or to be further landward than required by this
11 subsection based on the criteria established in subsection
12 (1), subsection (2), or subsection ~~(4)(5)~~.

13 (e) The department shall annually report to the
14 Legislature the status of this program, including any changes
15 to the previously adopted procedures for determining erosion
16 projections.

17 ~~(6)(7)~~ Any coastal structure erected, or excavation
18 created, in violation of the provisions of this section is
19 hereby declared to be a public nuisance; and such structure
20 shall be forthwith removed or such excavation shall be
21 forthwith refilled after written notice by the department
22 directing such removal or filling. In the event the structure
23 is not removed or the excavation refilled within a reasonable
24 time as directed, the department may remove such structure or
25 fill such excavation at its own expense; and the costs thereof
26 shall become a lien upon the property of the upland owner upon
27 which such unauthorized structure or excavation is located.

28 ~~(7)(8)~~ Any person, firm, corporation, or agent thereof
29 who violates this section is guilty of a misdemeanor of the
30 first degree, punishable as provided in s. 775.082 or s.

31 775.083; except that a person driving any vehicle on, over, or

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1 across any sand dune and damaging or causing to be damaged
2 such sand dune or the vegetation growing thereon in violation
3 of this section is guilty of a misdemeanor of the second
4 degree, punishable as provided in s. 775.082 or s. 775.083. A
5 person, firm, corporation, or agent thereof shall be deemed
6 guilty of a separate offense for each day during any portion
7 of which any violation of this section is committed or
8 continued.

9 ~~(8)(9)~~ The provisions of this section do not apply to
10 structures intended for shore protection purposes which are
11 regulated by s. 161.041 or to structures existing or under
12 construction prior to the establishment of the coastal
13 construction control line as provided herein, provided such
14 structures may not be materially altered except as provided in
15 subsection~~(4)(5)~~. Except for structures that have been
16 materially altered, structures determined to be under
17 construction at the time of the establishment or
18 reestablishment of the coastal construction control line shall
19 be exempt from the provisions of this section. However, unless
20 such an exemption has been judicially confirmed to exist prior
21 to April 10, 1992, the exemption shall last only for a period
22 of 3 years from either the date of the determination of the
23 exemption or April 10, 1992, whichever occurs later. The
24 department may extend the exemption period for structures that
25 require longer periods for completion of their construction,
26 provided that construction during the initial exemption period
27 has been continuous. For purposes of this subsection,
28 "continuous" means following a reasonable sequence of
29 construction without significant or unreasonable periods of
30 work stoppage.

31 ~~(9)(10)~~ The department may by regulation exempt

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specifically described portions of the coastline from the provisions of this section when in its judgment such portions of coastline because of their nature are not subject to erosion of a substantially damaging effect to the public.

~~(10)(11)~~ Pending the establishment of coastal construction control lines as provided herein, the provisions of s. 161.052 shall remain in force. However, upon the establishment of coastal construction control lines, or the establishment of coastal construction zoning and building codes as provided in subsection ~~(3)(4)~~, the provisions of s. 161.052 shall be superseded by the provisions of this section.

~~(11)(a)(12)(a)~~ The coastal construction control requirements defined in subsection (1) and the requirements of the erosion projections pursuant to subsection ~~(5)(6)~~ do not apply to any modification, maintenance, or repair to any existing structure within the limits of the existing foundation which does not require, involve, or include any additions to, or repair or modification of, the existing foundation of that structure. Specifically excluded from this exemption are seawalls or other rigid coastal or shore protection structures and any additions or enclosures added, constructed, or installed below the first dwelling floor or lowest deck of the existing structure.

(b) Activities seaward of the coastal construction control line which are determined by the department not to cause a measurable interference with the natural functioning of the coastal system are exempt from the requirements in subsection ~~(4)(5)~~.

(c) The department may establish exemptions from the requirements of this section for minor activities determined by the department not to have adverse impacts on the coastal

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1 system. Examples of such activities include, but are not
2 limited to:

- 3 1. Boat moorings;
- 4 2. Maintenance of existing beach/dune vegetation;
- 5 3. The burial of seaweed, dead fish, whales, or other
6 marine animals on the unvegetated beach;
- 7 4. The removal of piers or other derelict structures
8 from the unvegetated beach or seaward of mean high water;
- 9 5. Temporary emergency vehicular access, provided any
10 impacted area is immediately restored;
- 11 6. The removal of any existing structures or debris
12 from the upland, provided there is no excavation or
13 disturbance to the existing topography or beach/dune
14 vegetation;
- 15 7. Construction of any new roof overhang extending no
16 more than 4 feet beyond the confines of the existing
17 foundation during modification, renovation, or reconstruction
18 of a habitable structure within the confines of the existing
19 foundation of that structure which does not include any
20 additions to or modification of the existing foundation of
21 that structure;
- 22 8. Minor and temporary excavation for the purpose of
23 repairs to existing subgrade residential service utilities
24 (e.g., water and sewer lines, septic tanks and drainfields,
25 electrical and telephone cables, and gas lines), provided that
26 there is minimal disturbance and that grade is restored with
27 fill compatible in both coloration and grain size to the
28 onsite material and any damaged or destroyed vegetation is
29 restored using similar vegetation; and
- 30 9. Any other minor construction with impacts similar
31 to the above activities.

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1 (12)(a)~~(13)(a)~~ Notwithstanding the coastal
2 construction control requirements defined in subsection (1) or
3 the erosion projection determined pursuant to subsection(5)
4 ~~(6)~~, the department may, at its discretion, issue a permit for
5 the repair or rebuilding within the confines of the original
6 foundation of a major structure pursuant to the provisions of
7 subsection(4)~~(5)~~. Alternatively, the department may also, at
8 its discretion, issue a permit for a more landward relocation
9 or rebuilding of a damaged or existing structure if such
10 relocation or rebuilding would not cause further harm to the
11 beach-dune system, and if, in the case of rebuilding, such
12 rebuilding complies with the provisions of subsection(4)~~(5)~~,
13 and otherwise complies with the provisions of this subsection.

14 (b) Under no circumstances shall the department permit
15 such repairs or rebuilding that expand the capacity of the
16 original structure seaward of the 30-year erosion projection
17 established pursuant to subsection(5)~~(6)~~.

18 (c) In reviewing applications for relocation or
19 rebuilding, the department shall specifically consider changes
20 in shoreline conditions, the availability of other relocation
21 or rebuilding options, and the design adequacy of the project
22 sought to be rebuilt.

23 (d) Permits issued under this subsection shall not be
24 considered precedential as to the issuance of subsequent
25 permits.

26 (13)~~(14)~~ Concurrent with the establishment of a
27 coastal construction control line and the ongoing
28 administration of this chapter, the secretary of the
29 department shall make recommendations to the Board of Trustees
30 of the Internal Improvement Trust Fund concerning the purchase
31 of the fee or any lesser interest in any lands seaward of the

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1 control line pursuant to the state's Save Our Coast,
2 Conservation and Recreation Lands, or Outdoor Recreation Land
3 acquisition programs; and, with respect to those control lines
4 established pursuant to this section prior to June 14, 1978,
5 the secretary may make such recommendations.

6 ~~(14)~~~~(15)~~ A coastal county or municipality fronting on
7 the Gulf of Mexico, the Atlantic Ocean, or the Straits of
8 Florida shall advise the department within 5 days after
9 receipt of any permit application for construction or other
10 activities proposed to be located seaward of the line
11 established by the department pursuant to the provisions of
12 this section. Within 5 days after receipt of such application,
13 the county or municipality shall notify the applicant of the
14 requirements for state permits.

15 ~~(15)~~~~(16)~~ In keeping with the intent of subsection (3)
16 ~~(4)~~, and at the discretion of the department, authority for
17 permitting certain types of activities which have been defined
18 by the department may be delegated by the department to a
19 coastal county or coastal municipality. Such partial
20 delegation shall be narrowly construed to those particular
21 activities specifically named in the delegation and agreed to
22 by the affected county or municipality, and the delegation may
23 be revoked by the department at any time if it is determined
24 that the delegation is improperly or inadequately
25 administered.

26 ~~(16)~~~~(17)~~ The department may, at the request of a
27 property owner, contract with such property owner for an
28 agreement, or modify an existing contractual agreement
29 regulating development activities landward of a coastal
30 construction control line, provided that nothing within the
31 contractual agreement shall be inconsistent with the design

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1 and siting provisions of this section. In no case shall the
2 contractual agreement bind either party for a period longer
3 than 5 years from its date of execution. Prior to beginning
4 any construction activity covered by the agreement, the
5 property owner shall obtain the necessary authorization
6 required by the agreement. The agreement shall not authorize
7 construction for:

8 (a) Major habitable structures which would require
9 construction beyond the expiration of the agreement, unless
10 such construction is above the completed foundation; or

11 (b) Nonhabitable major structures or minor structures,
12 unless such construction was authorized at the same time as
13 the habitable major structure.

14 ~~(17)~~~~(18)~~ The department is authorized to grant
15 areawide permits to local governments, other governmental
16 agencies, and utility companies for special classes of
17 activities in areas under their general jurisdiction or
18 responsibility, so long as these activities, due to the type,
19 size, or temporary nature of the activity, will not cause
20 measurable interference with the natural functioning of the
21 beach dune system or with marine turtles or their nesting
22 sites. Such activities shall include, but not be limited to:
23 road repairs, not including new construction; utility repairs
24 and replacements, or other minor activities necessary to
25 provide utility services; beach cleaning; and emergency
26 response. The department may adopt rules to establish criteria
27 and guidelines for use by permit applicants. The department
28 shall require notice provisions appropriate to the type and
29 nature of the activities for which areawide permits are
30 sought.

31 ~~(18)~~~~(19)~~ The department is authorized to grant general

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1 permits for projects, including dune walkovers, decks, fences,
2 landscaping, sidewalks, driveways, pool resurfacing, minor
3 pool repairs, and other nonhabitable structures, so long as
4 these projects, due to the type, size, or temporary nature of
5 the project, will not cause a measurable interference with the
6 natural functioning of the beach dune system or with marine
7 turtles or their nesting sites. In no event shall multifamily
8 habitable structures qualify for general permits. However,
9 single-family habitable structures which do not advance the
10 line of existing construction and satisfy all siting and
11 design requirements of this section may be eligible for a
12 general permit pursuant to this subsection. The department may
13 adopt rules to establish criteria and guidelines for use by
14 permit applicants.

15 (a) Persons wishing to use the general permits set
16 forth in this subsection shall, at least 30 days before
17 beginning any work, notify the department in writing on forms
18 adopted by the department. The notice shall include a
19 description of the proposed project and supporting documents
20 depicting the proposed project, its location, and other
21 pertinent information as required by rule, to demonstrate that
22 the proposed project qualifies for the requested general
23 permit. Persons who undertake projects without proof of
24 notice to the department, but whose projects would otherwise
25 qualify for general permits, shall be considered as being
26 undertaken without a permit and shall be subject to
27 enforcement pursuant to s. 161.121.

28 (b) Persons wishing to use a general permit must
29 provide notice as required by the applicable local building
30 code where the project will be located. If a building code
31 requires no notice, any person wishing to use a general permit

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1 must, at a minimum, post on the property at least 5 days prior
2 to the commencement of construction a sign no smaller than 88
3 square inches, with letters no smaller than one-quarter inch,
4 describing the project.

5 ~~(19)(a)(20)(a)~~ The department may suspend or revoke
6 the use of a general or areawide permit for good cause,
7 including: submission of false or inaccurate information in
8 the notification for use of a general or areawide permit;
9 violation of law, department orders, or rules relating to
10 permit conditions; deviation from the specified activity or
11 project indicated or the conditions for undertaking the
12 activity or project; refusal of lawful inspection; or any
13 other act on the permittee's part in using the general or
14 areawide permit which results or may result in harm or injury
15 to human health or welfare, or which causes harm or injury to
16 animal, plant, or aquatic life or to property.

17 (b) The department shall have access to the permitted
18 activity or project at reasonable times to inspect and
19 determine compliance with the permit and department rules.

20 ~~(20)(21)~~ The department is authorized to adopt rules
21 related to the following provisions of this section:
22 establishment of coastal construction control lines;
23 activities seaward of the coastal construction control line;
24 exemptions; property owner agreements; delegation of the
25 program; permitting programs; and violations and penalties.

26 ~~(21)(22)~~ In accordance with ss. 553.73 and 553.79, and
27 upon the effective date of the Florida Building Code, the
28 provisions of this section which pertain to and govern the
29 design, construction, erection, alteration, modification,
30 repair, and demolition of public and private buildings,
31 structures, and facilities shall be incorporated into the

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1 Florida Building Code. The Florida Building Commission shall
2 have the authority to adopt rules pursuant to ss. 120.536 and
3 120.54 in order to implement those provisions. This subsection
4 does not limit or abrogate the right and authority of the
5 department to require permits or to adopt and enforce
6 environmental standards, including but not limited to,
7 standards for ensuring the protection of the beach-dune
8 system, proposed or existing structures, adjacent properties,
9 marine turtles, native salt-resistant vegetation, endangered
10 plant communities, and the preservation of public beach
11 access.

12 Section 22. Subsection (2) of section 161.161, Florida
13 Statutes, is amended to read:

14 161.161 Procedure for approval of projects.--

15 (2) Annually ~~Upon approval of the beach management~~
16 ~~plan~~, the secretary shall present to the Legislature ~~President~~
17 ~~of the Senate, the Speaker of the House of Representatives,~~
18 ~~and the chairs of the legislative appropriations committees~~
19 ~~recommendations for funding of beach erosion control projects~~
20 ~~prioritized according to the. Such recommendations shall be~~
21 ~~presented to such members of the Legislature in the priority~~
22 ~~order specified in the plan and established pursuant to~~
23 ~~criteria established contained~~ in s. 161.101(14).

24 Section 23. Section 163.2526, Florida Statutes, is
25 repealed.

26 Section 24. Subsection (2) of section 163.3167,
27 Florida Statutes, is amended to read:

28 163.3167 Scope of act.--

29 (2) Each local government shall prepare a
30 comprehensive plan of the type and in the manner set out in
31 this act or shall prepare amendments to its existing

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1 comprehensive plan to conform it to the requirements of this
2 part in the manner set out in this part. Each local
3 government, in accordance with the procedures in s. 163.3184,
4 shall submit its complete proposed comprehensive plan or its
5 complete comprehensive plan as proposed to be amended to the
6 state land planning agency ~~by the date specified in the rule~~
7 ~~adopted by the state land planning agency pursuant to this~~
8 ~~subsection. The state land planning agency shall, prior to~~
9 ~~October 1, 1987, adopt a schedule of local governments~~
10 ~~required to submit complete proposed comprehensive plans or~~
11 ~~comprehensive plans as proposed to be amended. Such schedule~~
12 ~~shall specify the exact date of submission for each local~~
13 ~~government, shall establish equal, staggered submission dates,~~
14 ~~and shall be consistent with the following time periods:~~
15 ~~(a) Beginning on July 1, 1988, and on or before July~~
16 ~~1, 1990, each county that is required to include a coastal~~
17 ~~management element in its comprehensive plan and each~~
18 ~~municipality in such a county; and~~
19 ~~(b) Beginning on July 1, 1989, and on or before July~~
20 ~~1, 1991, all other counties or municipalities.~~
21
22 ~~Nothing herein shall preclude the state land planning agency~~
23 ~~from permitting by rule a county together with each~~
24 ~~municipality in the county from submitting a proposed~~
25 ~~comprehensive plan earlier than the dates established in~~
26 ~~paragraphs (a) and (b). Any county or municipality that fails~~
27 ~~to meet the schedule set for submission of its proposed~~
28 ~~comprehensive plan by more than 90 days shall be subject to~~
29 ~~the sanctions described in s. 163.3184(11)(a) imposed by the~~
30 ~~Administration Commission. Notwithstanding the time periods~~
31 ~~established in this subsection, the state land planning agency~~

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~~may establish later deadlines for the submission of proposed comprehensive plans or comprehensive plans as proposed to be amended for a county or municipality which has all or a part of a designated area of critical state concern within its boundaries; however, such deadlines shall not be extended to a date later than July 1, 1991, or the time of de-designation, whichever is earlier.~~

Section 25. Paragraph (h) of subsection (6) and paragraph (k) of subsection (10) of section 163.3177, Florida Statutes, are amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.--

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in coordinating ~~the accomplishment of coordination of~~ the adopted comprehensive plan with the plans of school boards and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, ~~with the state comprehensive plan~~ and with the applicable regional water supply plan approved pursuant to s. 373.0361, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall consider ~~demonstrate consideration of~~ the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

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1 a. The intergovernmental coordination element shall
2 provide ~~for procedures~~ for identifying and implementing to
3 ~~identify and implement~~ joint planning areas, especially for
4 the purpose of annexation, municipal incorporation, and joint
5 infrastructure service areas.

6 b. The intergovernmental coordination element shall
7 provide for recognition of campus master plans prepared
8 pursuant to s. 1013.30.

9 c. The intergovernmental coordination element may
10 provide for a voluntary dispute resolution process, ~~as~~
11 established pursuant to s. 186.509, for bringing to closure in
12 a timely manner intergovernmental disputes. A local
13 government may also develop and use an alternative local
14 dispute resolution process for this purpose.

15 2. The intergovernmental coordination element shall
16 further state principles and guidelines to be used in
17 ~~coordinating the accomplishment of coordination of~~ the adopted
18 comprehensive plan with the plans of school boards and other
19 units of local government providing facilities and services
20 but not having regulatory authority over the use of land. In
21 addition, the intergovernmental coordination element shall
22 describe joint processes for collaborative planning and
23 decisionmaking on population projections and public school
24 siting, the location and extension of public facilities
25 subject to concurrency, and siting facilities with countywide
26 significance, including locally unwanted land uses whose
27 nature and identity are established in an agreement. Within 1
28 year of adopting their intergovernmental coordination
29 elements, each county, all the municipalities within that
30 county, the district school board, and any unit of local

31 government service providers in that county shall establish by

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1 interlocal or other formal agreement executed by all affected
2 entities, the joint processes described in this subparagraph
3 consistent with their adopted intergovernmental coordination
4 elements.

5 3. To foster coordination between special districts
6 and local general-purpose governments as local general-purpose
7 governments implement local comprehensive plans, each
8 independent special district must submit a public facilities
9 report to the appropriate local government as required by s.
10 189.415.

11 4.~~a~~. Local governments adopting a public educational
12 facilities element pursuant to s. 163.31776 must execute an
13 interlocal agreement with the district school board, the
14 county, and nonexempt municipalities, as defined by s.
15 163.31776(1), which includes the items listed in s.
16 163.31777(2). The local government shall amend the
17 intergovernmental coordination element to provide that
18 coordination between the local government and school board is
19 pursuant to the agreement and shall state the obligations of
20 the local government under the agreement.

21 ~~b~~. Plan amendments that comply with this subparagraph
22 are exempt from the provisions of s. 163.3187(1).

23 ~~5. The state land planning agency shall establish a~~
24 ~~schedule for phased completion and transmittal of plan~~
25 ~~amendments to implement subparagraphs 1., 2., and 3. from all~~
26 ~~jurisdictions so as to accomplish their adoption by December~~
27 ~~31, 1999. A local government may complete and transmit its~~
28 ~~plan amendments to carry out these provisions prior to the~~
29 ~~scheduled date established by the state land planning agency.~~
30 ~~The plan amendments are exempt from the provisions of s.~~
31 ~~163.3187(1).~~

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1 ~~5.6.~~ By January 1, 2004, any county having a
2 population greater than 100,000, and the municipalities and
3 special districts within that county, shall submit a report to
4 the Department of Community Affairs which identifies:

5 a. ~~identifies~~ All existing or proposed interlocal
6 service-delivery agreements regarding the following:
7 education; sanitary sewer; public safety; solid waste;
8 drainage; potable water; parks and recreation; and
9 transportation facilities.

10 b. ~~identifies~~ Any deficits or duplication in the
11 provision of services within its jurisdiction, whether capital
12 or operational. Upon request, the Department of Community
13 Affairs shall provide technical assistance to the local
14 governments in identifying deficits or duplication.

15 ~~6.7.~~ Within 6 months after submission of the report,
16 the Department of Community Affairs shall, through the
17 appropriate regional planning council, coordinate a meeting of
18 all local governments within the regional planning area to
19 discuss the reports and potential strategies to remedy any
20 identified deficiencies or duplications.

21 ~~7.8.~~ Each local government shall update its
22 intergovernmental coordination element based upon the findings
23 in the report submitted pursuant to subparagraph ~~5. 6.~~ The
24 report may be used as supporting data and analysis for the
25 intergovernmental coordination element.

26 ~~9. By February 1, 2003, representatives of~~
27 ~~municipalities, counties, and special districts shall provide~~
28 ~~to the Legislature recommended statutory changes for~~
29 ~~annexation, including any changes that address the delivery of~~
30 ~~local government services in areas planned for annexation.~~

31 (10) The Legislature recognizes the importance and

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1 significance of chapter 9J-5, Florida Administrative Code, the
2 Minimum Criteria for Review of Local Government Comprehensive
3 Plans and Determination of Compliance of the Department of
4 Community Affairs that will be used to determine compliance of
5 local comprehensive plans. The Legislature reserved unto
6 itself the right to review chapter 9J-5, Florida
7 Administrative Code, and to reject, modify, or take no action
8 relative to this rule. Therefore, pursuant to subsection (9),
9 the Legislature hereby has reviewed chapter 9J-5, Florida
10 Administrative Code, and expresses the following legislative
11 intent:

12 (k) So that local governments are able to prepare and
13 adopt comprehensive plans with knowledge of the rules that
14 will be applied to determine consistency of the plans with
15 provisions of this part, it is the intent of the Legislature
16 that there should be no doubt as to the legal standing of
17 chapter 9J-5, Florida Administrative Code, at the close of the
18 1986 legislative session. Therefore, the Legislature declares
19 that changes made to chapter 9J-5, Florida Administrative
20 Code, prior to October 1, 1986, shall not be subject to rule
21 challenges under s. 120.56(2), or to drawout proceedings under
22 s. 120.54(3)(c)2. The entire chapter 9J-5, Florida
23 Administrative Code, as amended, shall be subject to rule
24 challenges under s. 120.56(3), as nothing herein shall be
25 construed to indicate approval or disapproval of any portion
26 of chapter 9J-5, Florida Administrative Code, not specifically
27 addressed herein. ~~No challenge pursuant to s. 120.56(3) may be~~
28 ~~filed from July 1, 1987, through April 1, 1993. Any amendments~~
29 ~~to chapter 9J-5, Florida Administrative Code, exclusive of the~~
30 ~~amendments adopted prior to October 1, 1986, pursuant to this~~
31 ~~act, shall be subject to the full chapter 120 process. All~~

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~~amendments shall have effective dates as provided in chapter 120 and submission to the President of the Senate and Speaker of the House of Representatives shall not be required.~~

Section 26. Subsection (6) of section 163.3178, Florida Statutes, is amended to read:

163.3178 Coastal management.--

(6) Local governments are encouraged to adopt countywide marina siting plans to designate sites for existing and future marinas. The Coastal Resources Interagency Management Committee, at the direction of the Legislature, shall identify incentives to encourage local governments to adopt such siting plans and uniform criteria and standards to be used by local governments to implement state goals, objectives, and policies relating to marina siting. These criteria must ensure that priority is given to water-dependent land uses. ~~The Coastal Resources Interagency Management Committee shall submit its recommendations regarding local government incentives to the Legislature by December 1, 1993.~~ Countywide marina siting plans must be consistent with state and regional environmental planning policies and standards. Each local government in the coastal area which participates in adoption of a countywide marina siting plan shall incorporate the plan into the coastal management element of its local comprehensive plan.

Section 27. Subsection (12) of section 163.519, Florida Statutes, is repealed.

Section 28. Subsection (9) of section 186.007, Florida Statutes, is repealed.

Section 29. Section 186.022, Florida Statutes, is amended to read:

186.022 Information technology strategic plans.--By

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1 June 1 of each year, the Financial Management Information
 2 Board, ~~the Criminal and Juvenile Justice Information Systems~~
 3 ~~Council~~, and the Health Information Systems Council shall each
 4 develop and submit to the State Technology Office an
 5 information technology strategic plan in a form and manner
 6 prescribed in written instructions from the State Technology
 7 Office in consultation with the Executive Office of the
 8 Governor and the legislative appropriations committees. The
 9 State Technology Office shall review each such strategic plan
 10 and shall determine whether each such plan is consistent with
 11 the State Annual Report on Enterprise Resource Planning and
 12 Management and statewide policies adopted by the State
 13 Technology Office, and by July 1 of each year shall develop
 14 and transmit to each such board and council a written
 15 expression of its findings, conclusions, and required changes,
 16 if any, with respect to each such strategic plan. If any
 17 change to any such strategic plan is required, each affected
 18 board and council shall revise its strategic plan to the
 19 extent necessary to incorporate such required changes and
 20 shall resubmit its strategic plan to the State Technology
 21 Office for final approval and acceptance.

22 Section 30. Subsection (5) of section 189.4035,
 23 Florida Statutes, is amended to read:

24 189.4035 Preparation of official list of special
 25 districts.--

26 (5) The official list of special districts shall be
 27 available on the department's website ~~distributed by the~~
 28 ~~department on October 1 of each year to the President of the~~
 29 ~~Senate, the Speaker of the House of Representatives, the~~
 30 ~~Auditor General, the Department of Revenue, the Department of~~
 31 ~~Financial Services, the Department of Management Services, the~~

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~~State Board of Administration, counties, municipalities,
county property appraisers, tax collectors, and supervisors of
elections and to all interested parties who request the list.~~

Section 31. Subsection (2) of section 189.412, Florida Statutes, is amended to read:

189.412 Special District Information Program; duties and responsibilities.--The Special District Information Program of the Department of Community Affairs is created and has the following special duties:

(2) The maintenance of a master list of independent and dependent special districts which shall be available on the department's website ~~annually updated and distributed to the appropriate officials in state and local governments.~~

Section 32. Paragraph (b) of subsection (1) of section 206.606, Florida Statutes, is amended to read:

206.606 Distribution of certain proceeds.--

(1) Moneys collected pursuant to ss. 206.41(1)(g) and 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust Fund. Such moneys, after deducting the service charges imposed by s. 215.20, the refunds granted pursuant to s. 206.41, and the administrative costs incurred by the department in collecting, administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, shall be distributed monthly to the State Transportation Trust Fund, except that:

(b) \$2.5 million shall be transferred annually to the State Game Trust Fund in the Fish and Wildlife Conservation Commission ~~in each fiscal year~~ and used for recreational boating activities, and freshwater fisheries management and research. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year. The commission shall

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1 annually determine where unmet needs exist for boating-related
2 activities, and may fund such activities in counties where,
3 due to the number of vessel registrations, sufficient
4 financial resources are unavailable.

5 1. A minimum of \$1.25 million shall be used to fund
6 local projects to provide recreational channel marking, public
7 launching facilities, aquatic plant control, and other local
8 boating related activities. In funding the projects, the
9 commission shall give priority consideration as follows:

10 a. Unmet needs in counties with populations of 100,000
11 or less.

12 b. Unmet needs in coastal counties with a high level
13 of boating related activities from individuals residing in
14 other counties.

15 2. The remaining \$1.25 million may be used for
16 recreational boating activities and freshwater fisheries
17 management and research.

18 3. The commission is authorized to adopt rules
19 pursuant to ss. 120.536(1) and 120.54 to implement a Florida
20 Boating Improvement Program similar to the program
21 administered by the Department of Environmental Protection and
22 established in rules 62D-5.031 - 62D-5.036, Florida
23 Administrative Code, to determine projects eligible for
24 funding under this subsection.

25
26 ~~On February 1 of each year, The commission shall prepare and~~
27 ~~make available on its Internet website file~~ an annual report
28 ~~with the President of the Senate and the Speaker of the House~~
29 ~~of Representatives~~ outlining the status of its Florida Boating
30 Improvement Program, including the projects funded, and a list
31 of counties whose needs are unmet due to insufficient

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1 financial resources from vessel registration fees.

2 Section 33. Paragraph (b) of subsection (4) of section
3 212.054, Florida Statutes, is amended to read:

4 212.054 Discretionary sales surtax; limitations,
5 administration, and collection.--

6 (4)

7 (b) The proceeds of a discretionary sales surtax
8 collected by the selling dealer located in a county which
9 imposes the surtax shall be returned, less the cost of
10 administration, to the county where the selling dealer is
11 located. The proceeds shall be transferred to the
12 Discretionary Sales Surtax Clearing Trust Fund. A separate
13 account shall be established in such trust fund for each
14 county imposing a discretionary surtax. The amount deducted
15 for the costs of administration shall not exceed 3 percent of
16 the total revenue generated for all counties levying a surtax
17 authorized in s. 212.055. The amount deducted for the costs
18 of administration shall be used only for those costs which are
19 solely and directly attributable to the surtax. The total
20 cost of administration shall be prorated among those counties
21 levying the surtax on the basis of the amount collected for a
22 particular county to the total amount collected for all
23 counties. ~~No later than March 1 of each year, the department~~
24 ~~shall submit a written report which details the expenses and~~
25 ~~amounts deducted for the costs of administration to the~~
26 ~~President of the Senate, the Speaker of the House of~~
27 ~~Representatives, and the governing authority of each county~~
28 ~~levying a surtax.~~ The department shall distribute the moneys
29 in the trust fund each month to the appropriate counties,
30 unless otherwise provided in s. 212.055.

31 Section 34. Paragraph (j) of subsection (5) of section

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1 212.08, Florida Statutes, is amended to read:

2 212.08 Sales, rental, use, consumption, distribution,
3 and storage tax; specified exemptions.--The sale at retail,
4 the rental, the use, the consumption, the distribution, and
5 the storage to be used or consumed in this state of the
6 following are hereby specifically exempt from the tax imposed
7 by this chapter.

8 (5) EXEMPTIONS; ACCOUNT OF USE.--

9 (j) Machinery and equipment used in semiconductor,
10 defense, or space technology production and research and
11 development.--

12 1.a. Industrial machinery and equipment used in
13 semiconductor technology facilities certified under
14 subparagraph 6. to manufacture, process, compound, or produce
15 semiconductor technology products for sale or for use by these
16 facilities are exempt from the tax imposed by this chapter.
17 For purposes of this paragraph, industrial machinery and
18 equipment includes molds, dies, machine tooling, other
19 appurtenances or accessories to machinery and equipment,
20 testing equipment, test beds, computers, and software, whether
21 purchased or self-fabricated, and, if self-fabricated,
22 includes materials and labor for design, fabrication, and
23 assembly.

24 b. Industrial machinery and equipment used in defense
25 or space technology facilities certified under subparagraph 6.
26 to manufacture, process, compound, or produce defense
27 technology products or space technology products for sale or
28 for use by these facilities are exempt from 25 percent of the
29 tax imposed by this chapter.

30 2.a. Machinery and equipment are exempt from the tax
31 imposed by this chapter if used predominately in semiconductor

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1 wafer research and development activities in a semiconductor
2 technology research and development facility certified under
3 subparagraph 6. For purposes of this paragraph, machinery and
4 equipment includes molds, dies, machine tooling, other
5 appurtenances or accessories to machinery and equipment,
6 testing equipment, test beds, computers, and software, whether
7 purchased or self-fabricated, and, if self-fabricated,
8 includes materials and labor for design, fabrication, and
9 assembly.

10 b. Machinery and equipment are exempt from 25 percent
11 of the tax imposed by this chapter if used predominately in
12 defense or space research and development activities in a
13 defense or space technology research and development facility
14 certified under subparagraph 6.

15 3. Building materials purchased for use in
16 manufacturing or expanding clean rooms in
17 semiconductor-manufacturing facilities are exempt from the tax
18 imposed by this chapter.

19 4. In addition to meeting the criteria mandated by
20 subparagraph 1., subparagraph 2., or subparagraph 3., a
21 business must be certified by the Office of Tourism, Trade,
22 and Economic Development as authorized in this paragraph in
23 order to qualify for exemption under this paragraph.

24 5. For items purchased tax exempt pursuant to this
25 paragraph, possession of a written certification from the
26 purchaser, certifying the purchaser's entitlement to exemption
27 pursuant to this paragraph, relieves the seller of the
28 responsibility of collecting the tax on the sale of such
29 items, and the department shall look solely to the purchaser
30 for recovery of tax if it determines that the purchaser was
31 not entitled to the exemption.

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1 6.a. To be eligible to receive the exemption provided
2 by subparagraph 1., subparagraph 2., or subparagraph 3., a
3 qualifying business entity shall apply to Enterprise Florida,
4 Inc. The application shall be developed by the Office of
5 Tourism, Trade, and Economic Development in consultation with
6 Enterprise Florida, Inc.

7 b. Enterprise Florida, Inc., shall review each
8 submitted application and information and determine whether or
9 not the application is complete within 5 working days. Once an
10 application is complete, Enterprise Florida, Inc., shall,
11 within 10 working days, evaluate the application and recommend
12 approval or disapproval of the application to the Office of
13 Tourism, Trade, and Economic Development.

14 c. Upon receipt of the application and recommendation
15 from Enterprise Florida, Inc., the Office of Tourism, Trade,
16 and Economic Development shall certify within 5 working days
17 those applicants who are found to meet the requirements of
18 this section and notify the applicant, Enterprise Florida,
19 Inc., and the department of the certification. If the Office
20 of Tourism, Trade, and Economic Development finds that the
21 applicant does not meet the requirements of this section, it
22 shall notify the applicant and Enterprise Florida, Inc.,
23 within 10 working days that the application for certification
24 has been denied and the reasons for denial. The Office of
25 Tourism, Trade, and Economic Development has final approval
26 authority for certification under this section.

27 ~~7.a.~~ A business may apply once each year for the
28 exemption.

29 ~~a.b.~~ The application must indicate, for program
30 evaluation purposes only, the average number of full-time
31 equivalent employees at the facility over the preceding

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1 calendar year, the average wage and benefits paid to those
2 employees over the preceding calendar year, the total
3 investment made in real and tangible personal property over
4 the preceding calendar year, and the total value of tax-exempt
5 purchases and taxes exempted during the previous year. The
6 department shall assist the Office of Tourism, Trade, and
7 Economic Development in evaluating and verifying information
8 provided in the application for exemption.

9 ~~b.e.~~ The Office of Tourism, Trade, and Economic
10 Development may use the information reported on the
11 application for evaluation purposes only ~~and shall prepare an~~
12 ~~annual report on the exemption program and its cost and~~
13 ~~impact. The annual report for the preceding fiscal year shall~~
14 ~~be submitted to the Governor, the President of the Senate, and~~
15 ~~the Speaker of the House of Representatives by September 30 of~~
16 ~~each fiscal year.~~

17 8. A business certified to receive this exemption may
18 elect to designate one or more state universities or community
19 colleges as recipients of up to 100 percent of the amount of
20 the exemption for which they may qualify. To receive these
21 funds, the institution must agree to match the funds so earned
22 with equivalent cash, programs, services, or other in-kind
23 support on a one-to-one basis in the pursuit of research and
24 development projects as requested by the certified business.
25 The rights to any patents, royalties, or real or intellectual
26 property must be vested in the business unless otherwise
27 agreed to by the business and the university or community
28 college.

29 9. As used in this paragraph, the term:

30 a. "Predominately" means at least 50 percent of the
31 time in qualifying research and development.

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1 b. "Research and development" means basic and applied
2 research in the science or engineering, as well as the design,
3 development, and testing of prototypes or processes of new or
4 improved products. Research and development does not include
5 market research, routine consumer product testing, sales
6 research, research in the social sciences or psychology,
7 nontechnological activities, or technical services.

8 c. "Semiconductor technology products" means raw
9 semiconductor wafers or semiconductor thin films that are
10 transformed into semiconductor memory or logic wafers,
11 including wafers containing mixed memory and logic circuits;
12 related assembly and test operations; active-matrix flat panel
13 displays; semiconductor chips; semiconductor lasers;
14 optoelectronic elements; and related semiconductor technology
15 products as determined by the Office of Tourism, Trade, and
16 Economic Development.

17 d. "Clean rooms" means manufacturing facilities
18 enclosed in a manner that meets the clean manufacturing
19 requirements necessary for high-technology
20 semiconductor-manufacturing environments.

21 e. "Defense technology products" means products that
22 have a military application, including, but not limited to,
23 weapons, weapons systems, guidance systems, surveillance
24 systems, communications or information systems, munitions,
25 aircraft, vessels, or boats, or components thereof, which are
26 intended for military use and manufactured in performance of a
27 contract with the United States Department of Defense or the
28 military branch of a recognized foreign government or a
29 subcontract thereunder which relates to matters of national
30 defense.

31 f. "Space technology products" means products that are

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1 specifically designed or manufactured for application in space
2 activities, including, but not limited to, space launch
3 vehicles, missiles, satellites or research payloads, avionics,
4 and associated control systems and processing systems. The
5 term does not include products that are designed or
6 manufactured for general commercial aviation or other uses
7 even though those products may also serve an incidental use in
8 space applications.

9 Section 35. Section 213.0452, Florida Statutes, is
10 repealed.

11 Section 36. Section 213.054, Florida Statutes, is
12 repealed.

13 Section 37. Paragraph (z) of subsection (1) of section
14 216.011, Florida Statutes, is amended to read:

15 216.011 Definitions.--

16 (1) For the purpose of fiscal affairs of the state,
17 appropriations acts, legislative budgets, and approved
18 budgets, each of the following terms has the meaning
19 indicated:

20 (z) "Long-range program plan" means a plan developed
21 ~~pursuant to s. 216.013 on an annual basis by each state agency~~
22 ~~that is policy based, priority driven, accountable, and~~
23 ~~developed through careful examination and justification of all~~
24 ~~programs and their associated costs. Each plan is developed by~~
25 ~~examining the needs of agency customers and clients and~~
26 ~~proposing programs and associated costs to address those needs~~
27 ~~based on state priorities as established by law, the agency~~
28 ~~mission, and legislative authorization. The plan provides the~~
29 ~~framework and context for preparing the legislative budget~~
30 ~~request and includes performance indicators for evaluating the~~
31 ~~impact of programs and agency performance.~~

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Section 38. Section 216.013, Florida Statutes, is amended to read:

216.013 Long-range program plan.--

~~(1)~~ State agencies and the judicial branch shall develop long-range program plans to achieve state goals using an interagency planning process that includes the development of integrated agency program service outcomes. The plans shall be policy-based, priority-driven, accountable, and developed through careful examination and justification of all agency and judicial branch programs. ~~The plan shall cover a period of 5 fiscal years and shall become effective July 1 each year.~~

(1) Long-range program plans shall provide the framework for the development of agency budget requests and shall identify or update:

(a) The agency's or court's mission;

(b) The goals established to accomplish the mission;

(c) The objectives developed to achieve the goals;

(d) The trends and conditions relevant to the mission, goals, and objectives;

~~(e)(a)~~ The agency or court ~~identify agency programs and address how agency programs that~~ will be used to implement state policy and achieve state goals and ~~program component~~ objectives;

(f) The program outcomes and standards to measure progress toward program objectives; and

~~(b)~~ ~~Identify and describe agency functions and how they will be used to achieve designated outcomes;~~

~~(c)~~ ~~Identify demand, output, total costs, and unit costs for each function;~~

~~(g)(d)~~ Provide Information regarding performance

measurement, which includes, but is not limited to, how data

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1 is collected, the methodology used to measure a performance
2 indicator, the validity and reliability of a measure, the
3 appropriateness of a measure, and whether the agency inspector
4 general has assessed the reliability and validity of agency
5 performance measures, pursuant to s. 20.055(2).~~+~~

6 ~~(e) Identify and justify facility and fixed capital~~
7 ~~outlay projects and their associated costs; and~~

8 ~~(f) Identify and justify information technology~~
9 ~~infrastructure and applications and their associated costs for~~
10 ~~information technology projects or initiatives.~~

11 (2) Each long-range program plan shall cover a period
12 of 5 fiscal years, be revised annually, and remain in effect
13 until replaced or revised. ~~All agency functions and their~~
14 ~~costs shall be carefully evaluated and justified by the~~
15 ~~agency. The justification must clearly demonstrate the needs~~
16 ~~of agency customers and clients and why the agency is~~
17 ~~proposing functions and their associated costs to address the~~
18 ~~needs based on state priorities, the agency mission, and~~
19 ~~legislative authorization. Further, the justification must~~
20 ~~show how agency functions are integrated and contribute to the~~
21 ~~overall achievement of state goals. Facilities, fixed capital~~
22 ~~outlay and information technology infrastructure, and~~
23 ~~applications shall be evaluated pursuant to ss. 216.0158,~~
24 ~~216.043, and 216.0446, respectively.~~

25 (3) Long-range program plans or revisions shall be
26 presented by state agencies and the judicial branch in a form,
27 manner, and timeframe prescribed in written instructions
28 prepared by ~~submitted to~~ the Executive Office of the Governor
29 in consultation with ~~by August 1 of each year in a form and~~
30 ~~manner prescribed by the Executive Office of the Governor and~~
31 the chairs of the legislative appropriations committees. ~~Such~~

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~~long-range program plans for the Judicial Branch shall be submitted by the Chief Justice of the Supreme Court to the President of the Senate and the Speaker of the House of Representatives, and a copy shall be provided to the Executive Office of the Governor.~~

~~(4) The Executive Office of the Governor shall review the long-range program plans for executive agencies to ensure that they are consistent with the state's goals and objectives and other requirements as specified in the written instructions and that they provide the framework and context for the agency's budget request.~~

~~(5) Executive agencies shall incorporate all revisions required by the Governor within 14 working days.~~

~~(6) Any differences between executive agencies regarding the programs, policies, or long-range program plans of such agencies shall be mediated by the Executive Office of the Governor.~~

~~(4)(7) Each state executive agency and the judicial branch shall post their ~~transmit copies of its~~ long-range program plan on their Internet website ~~and all written comments on its plan to the President of the Senate and the Speaker of the House of Representatives~~ not later than September 30th of each year and provide written notice to the Governor and the Legislature that the plans have been posted 60 days prior to the next regular session of the Legislature.~~

~~(8) Long-range program plans developed pursuant to this chapter are not rules and therefore are not subject to the provisions of chapter 120.~~

~~(5)(9) Following the adoption of the annual General Appropriations Act, the state agencies and the judicial branch shall make appropriate adjustments to their long-range program~~

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1 plans to be consistent with the appropriations and performance
2 measures in the General Appropriations Act and legislation
3 implementing the General Appropriations Act. Agencies and the
4 judicial branch have until June 15 to make adjustments to
5 their plans as posted on their Internet websites ~~and submit~~
6 ~~the adjusted plans to the Executive Office of the Governor for~~
7 ~~review.~~

8 (6) Long-range program plans developed pursuant to
9 this chapter are not rules and therefore are not subject to
10 chapter 120.

11 Section 39. Section 216.1825, Florida Statutes, is
12 repealed.

13 Section 40. Subsection (5) of section 252.55, Florida
14 Statutes, is amended to read:

15 252.55 Civil Air Patrol, Florida Wing.--

16 (5) The wing commander of the Florida Wing of the
17 Civil Air Patrol shall biennially furnish the Bureau of
18 Emergency Management a 2-year ~~an annual~~ projection of the
19 goals and objectives of the Civil Air Patrol ~~for the following~~
20 ~~year.~~ These will be reported ~~to the Governor~~ in the division's
21 biennial ~~annual~~ report submitted pursuant to s. 252.35 of the
22 division on February 1 of each year.

23 Section 41. Subsection (1) of section 253.7825,
24 Florida Statutes, is amended to read:

25 253.7825 Recreational uses.--

26 (1) The Cross Florida Greenways State Recreation and
27 Conservation Area must be managed as a multiple-use area
28 pursuant to s. 253.034(2)(a), and as further provided herein.
29 ~~The University of Florida Management Plan provides a~~
30 ~~conceptual recreational plan that may ultimately be developed~~
31 ~~at various locations throughout the greenways corridor. The~~

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1 ~~plan proposes to locate a number of the larger, more~~
 2 ~~comprehensive and complex recreational facilities in~~
 3 ~~sensitive, natural resource areas.~~ Future site-specific
 4 studies and investigations must be conducted by the department
 5 to determine compatibility with, and potential for adverse
 6 impact to, existing natural resources, need for the facility,
 7 the availability of other alternative locations with reduced
 8 adverse impacts to existing natural resources, and the proper
 9 specific sites and locations for the more comprehensive and
 10 complex facilities. Furthermore, it is appropriate, with the
 11 approval of the department, to allow more fishing docks, boat
 12 launches, and other user-oriented facilities to be developed
 13 and maintained by local governments.

14 Section 42. Section 253.7826, Florida Statutes, is
 15 repealed.

16 Section 43. Subsection (4) of section 259.037, Florida
 17 Statutes, is amended to read:

18 259.037 Land Management Uniform Accounting Council.--

19 (4) The council shall provide a report of the
 20 agencies' expenditures pursuant to the adopted categories ~~to~~
 21 ~~the President of the Senate and the Speaker of the House of~~
 22 ~~Representatives annually, beginning July 1, 2001. The council~~
 23 ~~shall also provide this report~~ to the Acquisition and
 24 Restoration Council for inclusion in its annual report
 25 required pursuant to s. 259.105.

26 Section 44. Section 265.56, Florida Statutes, is
 27 repealed.

28 Section 45. Subsection (4) of section 267.074, Florida
 29 Statutes, is repealed.

30 Section 46. Subsection (28) of section 282.102,
 31 Florida Statutes, is repealed.

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1 Section 47. Subsection (3) of section 284.50, Florida
2 Statutes, is repealed.

3 Section 48. Subsection (15) of section 287.059,
4 Florida Statutes, is amended to read:

5 287.059 Private attorney services.--

6 (15) The Attorney General's office may, by rule, adopt
7 standard fee schedules for court reporting services for each
8 judicial circuit in consultation with the Florida Court
9 Reporters Association. Agencies, when contracting for court
10 reporting services, must use the standard fee schedule for
11 court reporting services established pursuant to this section,
12 provided no state contract is applicable or unless the head of
13 the agency or his or her designee waives use of the schedule
14 and sets forth the reasons for deviating from the schedule in
15 writing to the Attorney General. Such waiver must demonstrate
16 necessity based upon criteria for deviation from the schedule
17 which the Attorney General shall establish by rule. ~~Any~~
18 ~~proposed fee schedule under this section shall be submitted to~~
19 ~~the Governor, the Speaker of the House of Representatives, the~~
20 ~~President of the Senate, and the Chief Justice of the Florida~~
21 ~~Supreme Court at least 60 days prior to publication of the~~
22 ~~notice to adopt the rule.~~

23 Section 49. Subsection (7) of section 288.108, Florida
24 Statutes, is repealed.

25 Section 50. Section 288.1185, Florida Statutes, is
26 repealed.

27 Section 51. Paragraph (e) of subsection (8) of section
28 288.1229, Florida Statutes, is amended to read:

29 288.1229 Promotion and development of sports-related
30 industries and amateur athletics; direct-support organization;
31 powers and duties.--

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(8) To promote amateur sports and physical fitness,
the direct-support organization shall:

(e) Promote Florida as a host for national and
international amateur athletic competitions. ~~As part of this
effort, the direct-support organization shall:~~

~~1. Assist and support Florida cities or communities
bidding or seeking to host the Summer Olympics or Pan American
Games.~~

~~2. Annually report to the Governor, the President of
the Senate, and the Speaker of the House of Representatives on
the status of the efforts of cities or communities bidding to
host the Summer Olympics or Pan American Games, including, but
not limited to, current financial and infrastructure status,
projected financial and infrastructure needs, and
recommendations for satisfying the unmet needs and fulfilling
the requirements for a successful bid in any year that the
Summer Olympics or Pan American Games are held in this state.~~

Section 52. Subsection (4) of section 288.7015,
Florida Statutes, is repealed.

Section 53. Section 288.7771, Florida Statutes, is
amended to read:

288.7771 Annual report of Florida Export Finance
Corporation.--~~By March 31 of each year,~~ The corporation shall
annually prepare and submit to Enterprise Florida, Inc., for
inclusion in their annual report required by s. 288.095 the
~~Governor, the President of the Senate, the Speaker of the
House of Representatives, the Senate Minority Leader, and the
House Minority Leader~~ a complete and detailed report setting
forth:

(1) The report required in s. 288.776(3).

(2) Its assets and liabilities at the end of its most

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1 recent fiscal year.

2 Section 54. Subsections (8), (10), and (11) of section
3 288.8175, Florida Statutes, are repealed.

4 Section 55. Subsection (5) of section 288.853, Florida
5 Statutes, is repealed.

6 Section 56. Subsection (5) of section 288.95155,
7 Florida Statutes, is amended to read:

8 288.95155 Florida Small Business Technology Growth
9 Program.--

10 (5) ~~By January 1 of each year, Enterprise Florida,~~
11 ~~Inc., shall prepare and include in their annual report~~
12 ~~required by s. 288.095 a report on the financial status of the~~
13 ~~program and the account and shall submit a copy of the report~~
14 ~~to the board of directors of Enterprise Florida, Inc., the~~
15 ~~appropriate legislative committees responsible for economic~~
16 ~~development oversight, and the appropriate legislative~~
17 ~~appropriations subcommittees.~~ The report shall specify the
18 assets and liabilities of the account within the current
19 fiscal year and shall include a portfolio update that lists
20 all of the businesses assisted, the private dollars leveraged
21 by each business assisted, and the growth in sales and in
22 employment of each business assisted.

23 Section 57. Paragraph (c) of subsection (4) of section
24 288.9604, Florida Statutes, is amended to read:

25 288.9604 Creation of the authority.--

26 (4)

27 (c) The directors of the corporation shall annually
28 elect one of their members as chair and one as vice chair.
29 The corporation may employ a president, technical experts, and
30 such other agents and employees, permanent and temporary, as
31 it requires and determine their qualifications, duties, and

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1 compensation. For such legal services as it requires, the
2 corporation may employ or retain its own counsel and legal
3 staff. ~~The corporation shall file with the governing body of~~
4 ~~each public agency with which it has entered into an~~
5 ~~interlocal agreement and with the Governor, the Speaker of the~~
6 ~~House of Representatives, the President of the Senate, the~~
7 ~~Minority Leaders of the Senate and House of Representatives,~~
8 ~~and the Auditor General, on or before 90 days after the close~~
9 ~~of the fiscal year of the corporation, a report of its~~
10 ~~activities for the preceding fiscal year, which report shall~~
11 ~~include a complete financial statement setting forth its~~
12 ~~assets, liabilities, income, and operating expenses as of the~~
13 ~~end of such fiscal year.~~

14 Section 58. Section 288.9610, Florida Statutes, is
15 amended to read:

16 288.9610 Annual reports of Florida Development Finance
17 Corporation.--~~On or before 90 days after the close of By~~
18 ~~December 1 of each year, the Florida Development Finance~~
19 ~~Corporation's fiscal year, the~~ corporation shall submit to the
20 Governor, the Legislature ~~President of the Senate, the Speaker~~
21 ~~of the House of Representatives, the Senate Minority Leader,~~
22 ~~the House Minority Leader, the Auditor General, and the~~
23 ~~governing body of each public entity with which it has entered~~
24 ~~into an interlocal agreement city or county activating the~~
25 ~~Florida Development Finance Corporation~~ a complete and
26 detailed report setting forth:

27 (1) The results of any audit conducted pursuant to s.
28 11.45 ~~evaluation required in s. 11.45(3)(j).~~

29 (2) The activities, operations, and accomplishments of
30 the Florida Development Finance Corporation, including the
31 number of businesses assisted by the corporation.

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(3) Its assets, ~~and~~ liabilities, income, and operating expenses at the end of its most recent fiscal year, including a description of all of its outstanding revenue bonds.

Section 59. Subsection (3) of section 292.04, Florida Statutes, is amended to read:

292.04 Florida Commission on Veterans' Affairs.--

~~(3)(a) It is the duty of the commission to conduct a biennial survey of possible contributions that veterans or state organizations of veterans and their auxiliaries could make to the state and to report the results of the survey to the department together with recommendations for encouraging such contributions.~~

~~(b)~~ The commission shall work with the various veterans' organizations and their auxiliaries within the state and shall function as a liaison between such organizations and the department on matters pertaining to veterans.

Section 60. Subsection (6) of section 292.05, Florida Statutes, is amended to read:

292.05 Duties of Department of Veterans' Affairs.--

(6) The department shall, by ~~on~~ December 31 of each year, submit ~~make~~ an annual written report to the Governor, the Cabinet, and the Legislature which shall describe:

~~(a) of the state, the Speaker of the House of Representatives, and the President of the Senate, which report shall show~~ The expenses incurred in veteran service work in the state; the number, nature, and kind of cases handled by the department and by county and city veteran service officers of the state; the amounts of benefits obtained for veterans; the names and addresses of all certified veteran service officers, including county and city veteran service officers.

The report shall also describe the actions taken by the

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department in implementing subsections (4), (5), and (7) and shall contain such other information and recommendations as may appear to the department to be right and proper.

(b) The current status of the department's domiciliary and nursing homes established pursuant to chapter 296, including all receipts and expenditures, the condition of the homes, the number of residents received and discharged during the preceding year, occupancy rates, staffing, and any other information necessary to provide an understanding of the management, conduct, and operation of the homes.

Section 61. Section 296.16, Florida Statutes, is repealed.

Section 62. Section 296.39, Florida Statutes, is repealed.

Section 63. Paragraph (c) of subsection (12) of section 315.03, Florida Statutes, is repealed.

Section 64. Subsection (2) of section 319.324, Florida Statutes, is amended to read:

319.324 Odometer fraud prevention and detection; funding.--

(2) Moneys deposited into the Highway Safety Operating Trust Fund under this section shall be used to implement and maintain efforts by the department to prevent and detect odometer fraud, including the prompt investigation of alleged instances of odometer mileage discrepancies reported by licensed motor vehicle dealers, auctions, or purchasers of motor vehicles. ~~Such moneys shall also be used to fund an annual report to the Legislature by the Department of Highway Safety and Motor Vehicles, summarizing the department's investigations and findings.~~ In addition, moneys deposited

into the fund may be used by the department for general

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1 operations.

2 Section 65. Section 322.181, Florida Statutes, is
3 amended to read:

4 322.181 Advisory council on the Study of effects of
5 aging on driving ability; ~~advisory council.~~--

6 ~~(1) The Department of Highway Safety and Motor~~
7 ~~Vehicles shall study the effects of aging on driving ability.~~
8 ~~The purpose of the study is to develop a comprehensive~~
9 ~~approach to licensing drivers.~~

10 ~~(2) Issues to be studied by the department shall~~
11 ~~include the:~~

12 ~~(a) Effective and efficient identification of drivers~~
13 ~~at risk of being involved in a motor vehicle accident because~~
14 ~~of functional limitations that affect their driving ability;~~

15 ~~(b) Prevalence and effect of degenerative processes~~
16 ~~affecting vision, hearing, mobility, cognitive functions, and~~
17 ~~reaction time;~~

18 ~~(c) Implementation and effect of the department's~~
19 ~~vision screening requirements and examination of new~~
20 ~~technologies;~~

21 ~~(d) Availability and effectiveness of remedial~~
22 ~~measures such as skills training, adaptive equipment, physical~~
23 ~~therapy, and adjustment of driving practices that will allow~~
24 ~~people to drive safely for as long as possible;~~

25 ~~(e) Availability of alternative forms of~~
26 ~~transportation for people who can no longer safely drive; and~~

27 ~~(f) Effectiveness of existing public education~~
28 ~~initiatives relating to at risk drivers.~~

29 ~~(3) The department shall report the results of the~~
30 ~~study to the President of the Senate and the Speaker of the~~

31 ~~House of Representatives by February 1, 2004. The report shall~~

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~~include findings of the study and recommendations for
improving the safety of at risk drivers.~~

(4) The department shall appoint an advisory council
to ~~participate in the study and to~~ advise the department on
issues related to older at-risk drivers on an ongoing basis.
The council shall be known as the Florida At-Risk Driver
Council. Members of the council shall include representatives
of organizations involved with issues facing older drivers
including state agencies, medical professionals, senior
citizen advocacy groups, providers of services to senior
citizens, and research entities.

Section 66. Paragraph (c) of subsection (7) of section
322.251, Florida Statutes, is repealed.

Section 67. Paragraph (d) of subsection (6) of section
365.172, Florida Statutes, is repealed.

Section 68. Subsection (4) of section 366.82, Florida
Statutes, is repealed.

Section 69. Subsection (8) of section 370.26, Florida
Statutes, is repealed.

Section 70. Subsection (2) of section 372.5712,
Florida Statutes, is amended to read:

372.5712 Florida waterfowl permit revenues.--

(2) The intent of this section is to expand waterfowl
research and management and increase waterfowl populations in
the state without detracting from other programs. The
commission shall prepare and make available on its Internet
website an annual report documenting the use of funds
generated under ~~the provisions of this section, to be
submitted to the Governor, the Speaker of the House of
Representatives, and the President of the Senate on or before
September 1 of each year.~~

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Section 71. Subsection (2) of section 372.5715,
Florida Statutes, is amended to read:

372.5715 Florida wild turkey permit revenues.--

(2) The intent of this section is to expand wild
turkey research and management and to increase wild turkey
populations in the state without detracting from other
programs. The commission shall prepare and make available on
its Internet website an annual report documenting the use of
funds generated under ~~the provisions of this section, to be~~
~~submitted to the Governor, the Speaker of the House of~~
~~Representatives, and the President of the Senate on or before~~
~~September 1 of each year.~~

Section 72. Section 372.673, Florida Statutes, is
repealed.

Section 73. Section 372.674, Florida Statutes, is
repealed.

Section 74. Section 373.0391, Florida Statutes, is
amended to read:

373.0391 Technical assistance to local governments.--

~~(1)~~ The water management districts shall assist local
governments in the development and future revision of local
government comprehensive plan elements or public facilities
report as required by s. 189.415, related to water resource
issues.

~~(2) By July 1, 1991, each water management district~~
~~shall prepare and provide information and data to assist local~~
~~governments in the preparation and implementation of their~~
~~local government comprehensive plans or public facilities~~
~~report as required by s. 189.415, whichever is applicable.~~
~~Such information and data shall include, but not be limited~~

~~to:~~

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~~(a) All information and data required in a public facilities report pursuant to s. 189.415.~~

~~(b) A description of regulations, programs, and schedules implemented by the district.~~

~~(c) Identification of regulations, programs, and schedules undertaken or proposed by the district to further the State Comprehensive Plan.~~

~~(d) A description of surface water basins, including regulatory jurisdictions, flood-prone areas, existing and projected water quality in water management district operated facilities, as well as surface water runoff characteristics and topography regarding flood plains, wetlands, and recharge areas.~~

~~(e) A description of groundwater characteristics, including existing and planned wellfield sites, existing and anticipated cones of influence, highly productive groundwater areas, aquifer recharge areas, deep well injection zones, contaminated areas, an assessment of regional water resource needs and sources for the next 20 years, and water quality.~~

~~(f) The identification of existing and potential water management district land acquisitions.~~

~~(g) Information reflecting the minimum flows for surface watercourses to avoid harm to water resources or the ecosystem and information reflecting the minimum water levels for aquifers to avoid harm to water resources or the ecosystem.~~

Section 75. Subsection (4) of section 373.046, Florida Statutes, is amended to read:

373.046 Interagency agreements.--

(4) The Legislature recognizes and affirms the division of responsibilities between the department and the

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1 water management districts as set forth in ss. III. and X. of
2 each of the operating agreements codified as rules
3 17-101.040(12)(a)3., 4., and 5., Florida Administrative Code.
4 Section IV.A.2.a. of each operating agreement regarding
5 individual permit oversight is rescinded. The department
6 shall be responsible for permitting those activities under
7 part IV of this chapter which, because of their complexity and
8 magnitude, need to be economically and efficiently evaluated
9 at the state level, including, but not limited to, mining,
10 hazardous waste management facilities and solid waste
11 management facilities that do not qualify for a general permit
12 under chapter 403. With regard to postcertification
13 information submittals for activities authorized under
14 chapters 341 and 403 siting act certifications, the
15 department, after consultation with the appropriate water
16 management district and other agencies having applicable
17 regulatory jurisdiction, shall be responsible for determining
18 the permittee's compliance with conditions of certification
19 which were based upon the nonprocedural requirements of part
20 IV of this chapter. The Legislature authorizes the water
21 management districts and the department to modify the division
22 of responsibilities referenced in this section and enter into
23 further interagency agreements by rulemaking, including
24 incorporation by reference, pursuant to chapter 120, to
25 provide for greater efficiency and to avoid duplication in the
26 administration of part IV of this chapter by designating
27 certain activities which will be regulated by either the water
28 management districts or the department. In developing such
29 interagency agreements, the water management districts and the
30 department should take into consideration the technical and
31 fiscal ability of each water management district to implement

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1 all or some of the provisions of part IV of this chapter.
 2 Nothing herein rescinds or restricts the authority of the
 3 districts to regulate silviculture and agriculture pursuant to
 4 part IV of this chapter or s. 403.927. ~~By December 10, 1993,~~
 5 ~~the secretary of the department shall submit a report to the~~
 6 ~~President of the Senate and the Speaker of the House of~~
 7 ~~Representatives regarding the efficiency of the procedures and~~
 8 ~~the division of responsibilities contemplated by this~~
 9 ~~subsection and regarding progress toward the execution of~~
 10 ~~further interagency agreements and the integration of~~
 11 ~~permitting with sovereignty lands approval. The report also~~
 12 ~~will consider the feasibility of improving the protection of~~
 13 ~~the environment through comprehensive criteria for protection~~
 14 ~~of natural systems.~~

15 Section 76. Paragraph (f) of subsection (1) of section
 16 373.1963, Florida Statutes, is amended to read:

17 373.1963 Assistance to West Coast Regional Water
 18 Supply Authority.--

19 (1) It is the intent of the Legislature to authorize
 20 the implementation of changes in governance recommended by the
 21 West Coast Regional Water Supply Authority in its reports to
 22 the Legislature dated February 1, 1997, and January 5, 1998.
 23 The authority and its member governments may reconstitute the
 24 authority's governance and rename the authority under a
 25 voluntary interlocal agreement with a term of not less than 20
 26 years. The interlocal agreement must comply with this
 27 subsection as follows:

28 (f) Upon execution of the voluntary interlocal
 29 agreement provided for herein, the authority shall jointly
 30 develop with the Southwest Florida Water Management District
 31 alternative sources of potable water and transmission

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1 pipelines to interconnect regionally significant water supply
2 sources and facilities of the authority in amounts sufficient
3 to meet the needs of all member governments for a period of at
4 least 20 years and for natural systems. Nothing herein,
5 however, shall preclude the authority and its member
6 governments from developing traditional water sources pursuant
7 to the voluntary interlocal agreement. Development and
8 construction costs for alternative source facilities, which
9 may include a desalination facility and significant regional
10 interconnects, must be borne as mutually agreed to by both the
11 authority and the Southwest Florida Water Management District.
12 Nothing herein shall preclude authority or district cost
13 sharing with private entities for the construction or
14 ownership of alternative source facilities. ~~By December 31,~~
15 ~~1997, the authority and the Southwest Florida Water Management~~
16 ~~District shall:~~

- 17 1. ~~Enter into a mutually acceptable agreement~~
18 ~~detailing the development and implementation of directives~~
19 ~~contained in this paragraph; or~~
- 20 2. ~~Jointly prepare and submit to the President of the~~
21 ~~Senate and the Speaker of the House of Representatives a~~
22 ~~report describing the progress made and impediments~~
23 ~~encountered in their attempts to implement the water resource~~
24 ~~development and water supply development directives contained~~
25 ~~in this paragraph.~~

26
27 Nothing in this section shall be construed to modify the
28 rights or responsibilities of the authority or its member
29 governments, except as otherwise provided herein, or of the
30 Southwest Florida Water Management District or the department
31 pursuant to this chapter or chapter 403 and as otherwise set

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1 forth by statutes.

2 Section 77. Subsection (14) of section 376.121,
3 Florida Statutes, is repealed.

4 Section 78. Section 376.17, Florida Statutes, is
5 repealed.

6 Section 79. Subsection (5) of section 376.30713,
7 Florida Statutes, is repealed.

8 Section 80. Paragraph (f) of subsection (3) of section
9 377.703, Florida Statutes, is amended to read:

10 377.703 Additional functions of the Department of
11 Environmental Protection; energy emergency contingency plan;
12 federal and state conservation programs.--

13 (3) DEPARTMENT OF ENVIRONMENTAL PROTECTION;
14 DUTIES.--The Department of Environmental Protection shall, in
15 addition to assuming the duties and responsibilities provided
16 by ss. 20.255 and 377.701, perform the following functions
17 consistent with the development of a state energy policy:

18 (f) The department shall make a report, as requested
19 by the Governor or the Legislature, reflecting its activities
20 and making recommendations of policies for improvement of the
21 state's response to energy supply and demand and its effect on
22 the health, safety, and welfare of the people of Florida. The
23 report shall include ~~a report from the Florida Public Service~~
24 ~~Commission on electricity and natural gas and information on~~
25 ~~energy conservation programs conducted and under way in the~~
26 ~~past year and shall include~~ recommendations for energy
27 conservation programs for the state, including, but not
28 limited to, the following factors:

29 1. Formulation of specific recommendations for
30 improvement in the efficiency of energy utilization in
31 governmental, residential, commercial, industrial, and

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1 transportation sectors.

2 2. Collection and dissemination of information
3 relating to energy conservation.

4 3. Development and conduct of educational and training
5 programs relating to energy conservation.

6 4. An analysis of the ways in which state agencies are
7 seeking to implement s. 377.601(4), the state energy policy,
8 and recommendations for better fulfilling this policy.

9 Section 81. Paragraph (a) of subsection (2) of section
10 380.06, Florida Statutes, is amended to read:

11 380.06 Developments of regional impact.--

12 (2) STATEWIDE GUIDELINES AND STANDARDS.--

13 (a) The state land planning agency shall recommend to
14 the Administration Commission specific statewide guidelines
15 and standards for adoption pursuant to this subsection. The
16 Administration Commission shall by rule adopt statewide
17 guidelines and standards to be used in determining whether
18 particular developments shall undergo
19 development-of-regional-impact review. The statewide
20 guidelines and standards previously adopted by the
21 Administration Commission and approved by the Legislature
22 shall remain in effect unless revised pursuant to this section
23 or superseded by other provisions of law. ~~Revisions to the~~
24 ~~present statewide guidelines and standards, after adoption by~~
25 ~~the Administration Commission, shall be transmitted on or~~
26 ~~before March 1 to the President of the Senate and the Speaker~~
27 ~~of the House of Representatives for presentation at the next~~
28 ~~regular session of the Legislature. Unless approved by law by~~
29 ~~the Legislature, the revisions to the present guidelines and~~
30 ~~standards shall not become effective.~~

31 Section 82. Subsection (3) of section 381.0011,

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1 Florida Statutes, is repealed.

2 Section 83. Section 381.0036, Florida Statutes, is
3 repealed.

4 Section 84. Section 381.731, Florida Statutes, is
5 repealed.

6 Section 85. Section 381.795, Florida Statutes, is
7 amended to read:

8 381.795 Long-term community-based supports.--The
9 department shall, contingent upon specific appropriations for
10 these purposes, establish+

11 ~~(1) Study the long-term needs for community-based~~
12 ~~supports and services for individuals who have sustained~~
13 ~~traumatic brain or spinal cord injuries. The purpose of this~~
14 ~~study is to prevent inappropriate residential and~~
15 ~~institutional placement of these individuals, and promote~~
16 ~~placement in the most cost effective and least restrictive~~
17 ~~environment. Any placement recommendations for these~~
18 ~~individuals shall ensure full utilization of and collaboration~~
19 ~~with other state agencies, programs, and community partners.~~
20 ~~This study shall be submitted to the Governor, the President~~
21 ~~of the Senate, and the Speaker of the House of Representatives~~
22 ~~not later than December 31, 2000.~~

23 ~~(2) Based upon the results of this study, establish a~~
24 ~~plan for the implementation of~~ a program of long-term
25 community-based supports and services for individuals who have
26 sustained traumatic brain or spinal cord injuries who may be
27 subject to inappropriate residential and institutional
28 placement as a direct result of such injuries.

29 (1)(a) The program shall be payor of last resort for
30 program services, and expenditures for such services shall be
31 considered funded services for purposes of s. 381.785;

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1 however, notwithstanding s. 381.79(5), proceeds resulting from
2 this subsection shall be used solely for this program.

3 ~~(2)(b)~~ The department shall create, by rule,
4 procedures to ensure, that in the event the program is unable
5 to directly or indirectly provide such services to all
6 eligible individuals due to lack of funds, those individuals
7 most at risk to suffer the greatest harm from an imminent
8 inappropriate residential or institutional placement are
9 served first.

10 ~~(3)(c)~~ Every applicant or recipient of the long-term
11 community-based supports and services program shall have been
12 a resident of the state for 1 year immediately preceding
13 application and be a resident of the state at the time of
14 application.

15 ~~(4)(d)~~ The department shall adopt rules pursuant to
16 ss. 120.536(1) and 120.54 to implement ~~the provision of this~~
17 ~~section subsection.~~

18 Section 86. Paragraph (a) of subsection (7) of section
19 381.90, Florida Statutes, is repealed.

20 Section 87. Subsection (4) of section 394.4573,
21 Florida Statutes, is repealed.

22 Section 88. Subsection (1) of section 394.4985,
23 Florida Statutes, is amended to read:

24 394.4985 Districtwide information and referral
25 network; implementation.--

26 (1) Each service district of the Department of
27 Children and Family Services shall develop a detailed
28 implementation plan for a districtwide comprehensive child and
29 adolescent mental health information and referral network to
30 be operational by July 1, 1999. The plan must include an
31 operating budget that demonstrates cost efficiencies and

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1 identifies funding sources for the district information and
2 referral network. ~~The plan must be submitted by the department~~
3 ~~to the Legislature by October 1, 1998.~~ The district shall use
4 existing district information and referral providers if, in
5 the development of the plan, it is concluded that these
6 providers would deliver information and referral services in a
7 more efficient and effective manner when compared to other
8 alternatives. The district information and referral network
9 must include:

10 (a) A resource file that contains information about
11 the child and adolescent mental health services as described
12 in s. 394.495, including, but not limited to:

- 13 1. Type of program;
- 14 2. Hours of service;
- 15 3. Ages of persons served;
- 16 4. Program description;
- 17 5. Eligibility requirements; and
- 18 6. Fees.

19 (b) Information about private providers and
20 professionals in the community which serve children and
21 adolescents with an emotional disturbance.

22 (c) A system to document requests for services that
23 are received through the network referral process, including,
24 but not limited to:

- 25 1. Number of calls by type of service requested;
- 26 2. Ages of the children and adolescents for whom
27 services are requested; and
- 28 3. Type of referral made by the network.

29 (d) The ability to share client information with the
30 appropriate community agencies.

31 ~~(e) The submission of an annual report to the~~

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~~department, the Agency for Health Care Administration, and
appropriate local government entities, which contains
information about the sources and frequency of requests for
information, types and frequency of services requested, and
types and frequency of referrals made.~~

Section 89. Section 394.75, Florida Statutes, is
amended to read:

394.75 State and district substance abuse and mental
health plans.--

~~(1)(a) Every 3 years, beginning in 2001, The~~
department, in consultation with the Medicaid program in the
Agency for Health Care Administration and the Florida
Substance Abuse and Mental Health Corporation, shall prepare a
state ~~master~~ plan for the delivery and financing of a system
of publicly funded, community-based substance abuse and mental
health services throughout the state. The state plan must
include:

~~(b) The initial plan must include an assessment of the
clinical practice guidelines and standards for community-based
mental health and substance abuse services delivered by
persons or agencies under contract with the Department of
Children and Family Services. The assessment must include an
inventory of current clinical guidelines and standards used by
persons and agencies under contract with the department, and
by nationally recognized accreditation organizations, to
address the quality of care and must specify additional
clinical practice standards and guidelines for new or existing
services and programs.~~

~~(a)(c) Proposed~~ The plan must propose changes in
department policy or statutory revisions to strengthen the
quality of mental health and substance abuse treatment and

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1 support services.

2 ~~(b)(d)~~ The plan must identify Strategies for meeting
3 the treatment and support needs of children, adolescents,
4 adults, and older adults who have, or are at risk of having,
5 mental, emotional, or substance abuse problems as defined in
6 this chapter or chapter 397.

7 ~~(c)(e)~~ The plan must include Input from persons who
8 represent local communities; local government entities that
9 contribute funds to the local substance abuse and mental
10 health treatment systems; consumers of publicly funded
11 substance abuse and mental health services, and their
12 families; and stakeholders interested in mental health and
13 substance abuse services. The plan must describe the means by
14 which this local input occurred. ~~The plan shall be updated~~
15 ~~annually.~~

16 ~~(f)~~ The plan must include statewide policies and
17 planning parameters that will be used by the health and human
18 services boards in preparing the district substance abuse and
19 mental health plans.

20 ~~(g)~~ The district plans shall be one component of the
21 state master plan.

22 ~~(2)~~ The state master plan shall also include:

23 ~~(a)~~ A proposal for the development of a data system
24 that will evaluate the effectiveness of programs and services
25 provided to clients of the substance abuse and mental health
26 service system.

27 ~~(b)~~ A proposal to resolve the funding discrepancies
28 between districts.

29 ~~(d)(e)~~ A methodology for the allocation of resources
30 available from federal, state, and local sources and a
31 description of the current level of funding available from

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1 each source.

2 ~~(e)(d)~~ A description of the statewide priorities for
3 clients and services, and each district's priorities for
4 clients and services.

5 ~~(e)~~ ~~Recommendations for methods of enhancing local~~
6 ~~participation in the planning, organization, and financing of~~
7 ~~substance abuse and mental health services.~~

8 ~~(f)~~ ~~A description of the current methods of~~
9 ~~contracting for services, an assessment of the efficiency of~~
10 ~~these methods in providing accountability for contracted~~
11 ~~funds, and recommendations for improvements to the system of~~
12 ~~contracting.~~

13 ~~(f)(g)~~ Recommendations for improving access to
14 services by clients and their families.

15 ~~(h)~~ ~~Guidelines and formats for the development of~~
16 ~~district plans.~~

17 ~~(g)(i)~~ Recommendations for future directions for the
18 substance abuse and mental health service delivery system.

19 (2) A schedule, format, and procedure for development,
20 ~~and review, and update~~ of the ~~state master~~ plan shall be
21 adopted by the department ~~by June of each year~~. The plan and
22 ~~annual~~ updates shall ~~must~~ be submitted to the Governor and the
23 Legislature beginning February 10, 2006, and every 3rd year
24 thereafter ~~President of the Senate and the Speaker of the~~
25 ~~House of Representatives by January 1 of each year, beginning~~
26 ~~January 1, 2001.~~

27 (3) Each ~~The~~ district ~~health and human services board~~
28 shall prepare an integrated district substance abuse and
29 mental health plan. The plan shall be prepared and updated on
30 a schedule established by the Assistant Secretary for

31 Substance Abuse Alcohol, Drug Abuse, and Mental Health Program

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1 ~~Office.~~ The plan shall reflect the needs and program
2 priorities established by the department and the needs of the
3 district established under ss. 394.674 and 394.675. The
4 ~~district plan must list in order of priority the mental health~~
5 ~~and the substance abuse treatment needs of the district and~~
6 ~~must rank each program separately. The plan shall include:~~
7 ~~(a) A record of the total amount of money available in~~
8 ~~the district for mental health and substance abuse services.~~
9 ~~(b) A description of each service that will be~~
10 ~~purchased with state funds.~~
11 ~~(c) A record of the amount of money allocated for each~~
12 ~~service identified in the plan as being purchased with state~~
13 ~~funds.~~
14 ~~(d) A record of the total funds allocated to each~~
15 ~~provider.~~
16 ~~(e) A record of the total funds allocated to each~~
17 ~~provider by type of service to be purchased with state funds.~~
18 ~~(a)(f)~~ Input from community-based persons,
19 organizations, and agencies interested in substance abuse and
20 mental health treatment services; local government entities
21 that contribute funds to the public substance abuse and mental
22 health treatment systems; and consumers of publicly funded
23 substance abuse and mental health services, and their family
24 members. The plan must describe the means by which this local
25 input occurred.
26
27 ~~The plan shall be submitted by the district board to the~~
28 ~~district administrator and to the governing bodies for review,~~
29 ~~comment, and approval.~~
30 ~~(4) The district plan shall:~~
31 ~~(a) Describe the publicly funded, community-based~~

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~~substance abuse and mental health system of care, and identify
statutorily defined populations, their service needs, and the
resources available and required to meet their needs.~~

~~(b) Provide the means for meeting the needs of the
district's eligible clients, specified in ss. 394.674 and
394.675, for substance abuse and mental health services.~~

~~(b)(c)~~ Provide a process for coordinating the delivery
of services within a community-based system of care to
eligible clients. Such process must involve service providers,
clients, and other stakeholders. The process must also provide
a means by which providers will coordinate and cooperate to
strengthen linkages, achieve maximum integration of services,
foster efficiencies in service delivery and administration,
and designate responsibility for outcomes for eligible
clients.

~~(c)(d)~~ Provide a projection of district program and
fiscal needs for the next fiscal year, provide for the orderly
and economical development of needed services, and indicate
priorities and resources for each population served,
performance outcomes, and anticipated expenditures and
revenues.

~~(e) Include a summary budget request for the total
district substance abuse and mental health program, which must
include the funding priorities established by the district
planning process.~~

~~(f) Provide a basis for the district legislative
budget request.~~

~~(g) Include a policy and procedure for allocation of
funds.~~

~~(h) Include a procedure for securing local matching
funds. Such a procedure shall be developed in consultation~~

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1 ~~with governing bodies and service providers.~~

2 ~~(d)(i)~~ Provide for the integration of substance abuse
3 and mental health services with the other departmental
4 programs and with the criminal justice, juvenile justice,
5 child protection, school, and health care systems within the
6 district.

7 ~~(j)~~ Provide a plan for the coordination of services in
8 such manner as to ensure effectiveness and avoid duplication,
9 fragmentation of services, and unnecessary expenditures.

10 ~~(e)(k)~~ Provide for continuity of client care between
11 state treatment facilities and community programs to assure
12 that discharge planning results in the rapid application for
13 all benefits for which a client is eligible, including
14 Medicaid coverage for persons leaving state treatment
15 facilities and returning to community-based programs.

16 ~~(l)~~ Provide for the most appropriate and economical
17 use of all existing public and private agencies and personnel.

18 ~~(m)~~ Provide for the fullest possible and most
19 appropriate participation by existing programs; state
20 hospitals and other hospitals; city, county, and state health
21 and family service agencies; drug abuse and alcoholism
22 programs; probation departments; physicians; psychologists;
23 social workers; marriage and family therapists; mental health
24 counselors; clinical social workers; public health nurses;
25 school systems; and all other public and private agencies and
26 personnel that are required to, or may agree to, participate
27 in the plan.

28 ~~(n)~~ Include an inventory of all public and private
29 substance abuse and mental health resources within the
30 district, including consumer advocacy groups and self-help
31 groups known to the department.

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1 ~~(4)(5)~~ The district plan shall address how substance
2 abuse and mental health services will be provided and how a
3 system of care for target populations will be provided given
4 the resources available in the service district. The plan must
5 include provisions for providing the most appropriate and
6 current evidence-based services for persons with substance
7 abuse disorders and mental illnesses in a variety of settings
8 ~~maximizing client access to the most recently developed~~
9 ~~psychiatric medications approved by the United States Food and~~
10 ~~Drug Administration, for developing independent housing units~~
11 ~~through participation in the Section 811 program operated by~~
12 ~~the United States Department of Housing and Urban Development,~~
13 ~~for developing supported employment services through the~~
14 ~~Division of Vocational Rehabilitation of the Department of~~
15 ~~Education, for providing treatment services to persons with~~
16 ~~co-occurring mental illness and substance abuse problems which~~
17 ~~are integrated across treatment systems, and for providing~~
18 ~~services to adults who have a serious mental illness, as~~
19 ~~defined in s. 394.67, and who reside in assisted living~~
20 ~~facilities.~~

21 ~~(6)~~ The district plan shall provide the means by which
22 the needs of the population groups specified pursuant to s.
23 ~~394.674 will be addressed in the district.~~

24 ~~(7)~~ In developing the district plan, optimum use shall
25 be made of any federal, state, and local funds that may be
26 available for substance abuse and mental health service
27 planning. However, the department must provide these services
28 within legislative appropriations.

29 ~~(8)~~ The district health and human services board shall
30 establish a subcommittee to prepare the portion of the
31 district plan relating to children and adolescents. The

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~~subcommittee shall include representative membership of any committee organized or established by the district to review placement of children and adolescents in residential treatment programs. The board shall establish a subcommittee to prepare the portion of the district plan which relates to adult mental health and substance abuse. The subcommittee must include representatives from the community who have an interest in mental health and substance abuse treatment for adults.~~

~~(5)(9) All departments of state government and all local public agencies shall cooperate with officials to assist them in service planning. Each district administrator shall, upon request and the availability of staff, provide consultative services to the local agency directors and governing bodies.~~

~~(10) The district administrator shall ensure that the district plan:~~

~~(a) Conforms to the priorities in the state plan, the requirements of this part, and the standards adopted under this part;~~

~~(b) Ensures that the most effective and economical use will be made of available public and private substance abuse and mental health resources in the service district; and~~

~~(c) Has adequate provisions made for review and evaluation of the services provided in the service district.~~

~~(11) The district administrator shall require such modifications in the district plan as he or she deems necessary to bring the plan into conformance with the provisions of this part. If the district board and the district administrator cannot agree on the plan, including the projected budget, the issues under dispute shall be submitted directly to the secretary of the department for immediate~~

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~~resolution.~~

~~(12) Each governing body that provides local funds has the authority to require necessary modification to only that portion of the district plan which affects substance abuse and mental health programs and services within the jurisdiction of that governing body.~~

~~(13) The district administrator shall report annually to the district board the status of funding for priorities established in the district plan. Each report must include:~~

~~(a) A description of the district plan priorities that were included in the district legislative budget request.~~

~~(b) A description of the district plan priorities that were included in the departmental budget request.~~

~~(c) A description of the programs and services included in the district plan priorities that were appropriated funds by the Legislature in the legislative session that preceded the report.~~

Section 90. Section 394.82, Florida Statutes, is repealed.

Section 91. Paragraph (a) of subsection (4), paragraph (h) of subsection (7), and subsection (8) of section 394.9082, Florida Statutes, are amended to read:

394.9082 Behavioral health service delivery strategies.--

(4) CONTRACT FOR SERVICES.--

(a) The Department of Children and Family Services and the Agency for Health Care Administration may contract for the provision or management of behavioral health services with a managing entity in at least two geographic areas. Both the Department of Children and Family Services and the Agency for Health Care Administration must contract with the same

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1 managing entity in any distinct geographic area where the
2 strategy operates. This managing entity shall be accountable
3 at a minimum for the delivery of behavioral health services
4 specified and funded by the department and the agency. The
5 geographic area must be of sufficient size in population and
6 have enough public funds for behavioral health services to
7 allow for flexibility and maximum efficiency. ~~Notwithstanding~~
8 ~~the provisions of s. 409.912(4)(b)1.,~~ At least one service
9 delivery strategy must be in one of the service districts in
10 the catchment area of G. Pierce Wood Memorial Hospital.

11 (7) ESSENTIAL ELEMENTS.--

12 ~~(h)1. The Department of Children and Family Services,~~
13 ~~in consultation with the Agency for Health Care~~
14 ~~Administration, shall prepare an amendment by October 31,~~
15 ~~2001, to the 2001 master state plan required under s.~~
16 ~~394.75(1), which describes each service delivery strategy,~~
17 ~~including at least the following details:~~

18 a. ~~Operational design;~~

19 b. ~~Counties or service districts included in each~~
20 ~~strategy;~~

21 c. ~~Expected outcomes; and~~

22 d. ~~Timeframes.~~

23 2. ~~The amendment shall specifically address the~~
24 ~~application of each service delivery strategy to substance~~
25 ~~abuse services, including:~~

26 a. ~~The development of substance abuse service~~
27 ~~protocols;~~

28 b. ~~Credentialing requirements for substance abuse~~
29 ~~services; and~~

30 c. ~~The development of new service models for~~
31 ~~individuals with co-occurring mental health and substance~~

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1 ~~abuse disorders.~~

2 ~~3. The amendment must specifically address the~~
3 ~~application of each service delivery strategy to the child~~
4 ~~welfare system, including:~~

5 ~~a. The development of service models that support~~
6 ~~working with both children and their families in a~~
7 ~~community-based care system and that are specific to the child~~
8 ~~welfare system.~~

9 ~~b. A process for providing services to abused and~~
10 ~~neglected children and their families as indicated in~~
11 ~~court-ordered case plans.~~

12 (8) EXPANSION IN DISTRICTS 4 AND 12.--The department
13 shall work with community agencies to establish a single
14 managing entity for districts 4 and 12 accountable for the
15 delivery of substance abuse services to child protective
16 services recipients in the two districts. The purpose of this
17 strategy is to enhance the coordination of substance abuse
18 services with community-based care agencies and the
19 department. The department shall work with affected
20 stakeholders to develop and implement a plan that allows the
21 phase-in of services beginning with the delivery of substance
22 abuse services, with phase-in of subsequent substance abuse
23 services agreed upon by the managing entity and authorized by
24 the department, providing the necessary technical assistance
25 to assure provider and district readiness for implementation.
26 When a single managing entity is established and meets
27 readiness requirements, the department may enter into a
28 noncompetitive contract with the entity. The department shall
29 maintain detailed information on the methodology used for
30 selection and a justification for the selection. Performance
31 objectives shall be developed which ensure that services that

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1 are delivered directly affect and complement the child's
2 permanency plan. During the initial planning and
3 implementation phase of this project, the requirements in
4 subsections (6) and (7) are waived. Considering the critical
5 substance abuse problems experienced by many families in the
6 child protection system, the department shall initiate the
7 implementation of the substance abuse delivery component of
8 this program without delay ~~and furnish status reports to the~~
9 ~~appropriate substantive committees of the Senate and the House~~
10 ~~of Representatives no later than February 29, 2004, and~~
11 ~~February 28, 2005.~~ The integration of all services agreed upon
12 by the managing entity and authorized by the department must
13 be completed within 2 years after project initiation. Ongoing
14 monitoring and evaluation of this strategy shall be conducted
15 in accordance with subsection (9).

16 Section 92. Section 394.9083, Florida Statutes, is
17 repealed.

18 Section 93. Subsections (1) and (20) of section
19 397.321, Florida Statutes, are repealed.

20 Section 94. Subsection (4) of section 397.333, Florida
21 Statutes, is amended to read:

22 397.333 Statewide Drug Policy Advisory Council.--

23 (4)(a) The chairperson of the advisory council shall
24 appoint workgroups that include members of state agencies that
25 are not represented on the advisory council and shall solicit
26 input and recommendations from those state agencies. In
27 addition, the chairperson may appoint workgroups as necessary
28 from among the members of the advisory council in order to
29 efficiently address specific issues. A representative of a
30 state agency appointed to any workgroup shall be the head of
31 the agency, or his or her designee. The chairperson may

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1 designate lead and contributing agencies within a workgroup.

2 ~~(b) The advisory council shall submit a report to the~~
 3 ~~Governor, the President of the Senate, and the Speaker of the~~
 4 ~~House of Representatives by December 1 of each year which~~
 5 ~~contains a summary of the work of the council during that year~~
 6 ~~and the recommendations required under subsection (3). Interim~~
 7 ~~reports may be submitted at the discretion of the chairperson~~
 8 ~~of the advisory council.~~

9 Section 95. Subsection (1) of section 397.94, Florida
 10 Statutes, is repealed.

11 Section 96. Paragraph (f) of subsection (2) of section
 12 400.0067, Florida Statutes, is amended to read:

13 400.0067 State Long-Term Care Ombudsman Council;
 14 duties; membership.--

15 (2) The State Long-Term Care Ombudsman Council shall:

16 (f) Prepare an annual report describing the activities
 17 carried out by the ombudsman, ~~and~~ the State Long-Term Care
 18 Ombudsman Council, and the local councils in the year for
 19 which the report is prepared. The State Long-Term Care
 20 Ombudsman Council shall submit the report to the Secretary of
 21 Elderly Affairs. The secretary shall in turn submit the report
 22 to the Commissioner of the United States Administration on
 23 Aging, the Governor, the Legislature ~~President of the Senate,~~
 24 ~~the Speaker of the House of Representatives, the minority~~
 25 ~~leaders of the House and Senate, the chairpersons of~~
 26 ~~appropriate House and Senate committees, the Secretary of~~
 27 ~~Children and Family Services, and the Secretary of Health Care~~
 28 ~~Administration.~~ The report shall be submitted by the
 29 Secretary of Elderly Affairs at least 30 days before the
 30 convening of the regular session of the Legislature and shall,
 31 at a minimum:

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1 1. Contain and analyze data collected concerning
2 complaints about and conditions in long-term care facilities
3 and the disposition of those complaints.

4 2. Evaluate the problems experienced by residents of
5 long-term care facilities.

6 3. Contain recommendations for improving the quality
7 of life of the residents and for protecting the health,
8 safety, welfare, and rights of the residents.

9 4. Analyze the success of the ombudsman program during
10 the preceding year and identify the barriers that prevent the
11 optimal operation of the program. ~~The report of the program's~~
12 ~~successes shall also include address the relationship between~~
13 ~~the state long-term care ombudsman program, the Department of~~
14 ~~Elderly Affairs, the Agency for Health Care Administration,~~
15 ~~and the Department of Children and Family Services, and an~~
16 assessment of how successfully the state long-term care
17 ombudsman program has carried out its responsibilities under
18 the Older Americans Act.

19 5. Provide policy and regulatory and legislative
20 recommendations to solve identified problems; resolve
21 residents' complaints; improve the quality of care and life of
22 the residents; protect the health, safety, welfare, and rights
23 of the residents; and remove the barriers to the optimal
24 operation of the state long-term care ombudsman program.

25 6. Contain recommendations from the local ombudsman
26 councils regarding program functions and activities.

27 ~~7. Include a report on the activities of the legal~~
28 ~~advocate and other legal advocates acting on behalf of the~~
29 ~~local and state councils.~~

30 Section 97. Subsection (3) of section 400.0075,
31 Florida Statutes, is repealed.

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Section 98. Section 400.0089, Florida Statutes, is amended to read:

400.0089 Complaint Agency reports.--The Office of State Long-Term Care Ombudsman ~~Department of Elderly Affairs~~ shall maintain a statewide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities and to residents, for the purpose of identifying and resolving significant problems. ~~The department and the State Long-Term Care Ombudsman Council shall submit such data as part of its annual report required pursuant to s. 400.0067(2)(f) to the Agency for Health Care Administration, the Department of Children and Family Services, the Florida Statewide Advocacy Council, the Advocacy Center for Persons with Disabilities, the Commissioner for the United States Administration on Aging, the National Ombudsman Resource Center, and any other state or federal entities that the ombudsman determines appropriate.~~ The office State Long-Term Care Ombudsman Council shall publish quarterly and make readily available information pertaining to the number and types of complaints received by the long-term care ombudsman program and shall include such information in the annual report required under s. 400.0067.

Section 99. Subsection (2) of section 400.148, Florida Statutes, is repealed.

Section 100. Paragraph (b) of subsection (3) of section 400.407, Florida Statutes, is amended to read:

400.407 License required; fee, display.--

(3) Any license granted by the agency must state the maximum resident capacity of the facility, the type of care for which the license is granted, the date the license is issued, the expiration date of the license, and any other

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1 information deemed necessary by the agency. Licenses shall be
2 issued for one or more of the following categories of care:
3 standard, extended congregate care, limited nursing services,
4 or limited mental health.

5 (b) An extended congregate care license shall be
6 issued to facilities providing, directly or through contract,
7 services beyond those authorized in paragraph (a), including
8 acts performed pursuant to part I of chapter 464 by persons
9 licensed thereunder, and supportive services defined by rule
10 to persons who otherwise would be disqualified from continued
11 residence in a facility licensed under this part.

12 1. In order for extended congregate care services to
13 be provided in a facility licensed under this part, the agency
14 must first determine that all requirements established in law
15 and rule are met and must specifically designate, on the
16 facility's license, that such services may be provided and
17 whether the designation applies to all or part of a facility.
18 Such designation may be made at the time of initial licensure
19 or relicensure, or upon request in writing by a licensee under
20 this part. Notification of approval or denial of such request
21 shall be made within 90 days after receipt of such request and
22 all necessary documentation. Existing facilities qualifying to
23 provide extended congregate care services must have maintained
24 a standard license and may not have been subject to
25 administrative sanctions during the previous 2 years, or since
26 initial licensure if the facility has been licensed for less
27 than 2 years, for any of the following reasons:

28 a. A class I or class II violation;
29 b. Three or more repeat or recurring class III
30 violations of identical or similar resident care standards as
31 specified in rule from which a pattern of noncompliance is

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1 found by the agency;

2 c. Three or more class III violations that were not
3 corrected in accordance with the corrective action plan
4 approved by the agency;

5 d. Violation of resident care standards resulting in a
6 requirement to employ the services of a consultant pharmacist
7 or consultant dietitian;

8 e. Denial, suspension, or revocation of a license for
9 another facility under this part in which the applicant for an
10 extended congregate care license has at least 25 percent
11 ownership interest; or

12 f. Imposition of a moratorium on admissions or
13 initiation of injunctive proceedings.

14 2. Facilities that are licensed to provide extended
15 congregate care services shall maintain a written progress
16 report on each person who receives such services, which report
17 describes the type, amount, duration, scope, and outcome of
18 services that are rendered and the general status of the
19 resident's health. A registered nurse, or appropriate
20 designee, representing the agency shall visit such facilities
21 at least quarterly to monitor residents who are receiving
22 extended congregate care services and to determine if the
23 facility is in compliance with this part and with rules that
24 relate to extended congregate care. One of these visits may be
25 in conjunction with the regular survey. The monitoring visits
26 may be provided through contractual arrangements with
27 appropriate community agencies. A registered nurse shall
28 serve as part of the team that inspects such facility. The
29 agency may waive one of the required yearly monitoring visits
30 for a facility that has been licensed for at least 24 months
31 to provide extended congregate care services, if, during the

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1 inspection, the registered nurse determines that extended
2 congregate care services are being provided appropriately, and
3 if the facility has no class I or class II violations and no
4 uncorrected class III violations. Before such decision is
5 made, the agency shall consult with the long-term care
6 ombudsman council for the area in which the facility is
7 located to determine if any complaints have been made and
8 substantiated about the quality of services or care. The
9 agency may not waive one of the required yearly monitoring
10 visits if complaints have been made and substantiated.

11 3. Facilities that are licensed to provide extended
12 congregate care services shall:

13 a. Demonstrate the capability to meet unanticipated
14 resident service needs.

15 b. Offer a physical environment that promotes a
16 homelike setting, provides for resident privacy, promotes
17 resident independence, and allows sufficient congregate space
18 as defined by rule.

19 c. Have sufficient staff available, taking into
20 account the physical plant and firesafety features of the
21 building, to assist with the evacuation of residents in an
22 emergency, as necessary.

23 d. Adopt and follow policies and procedures that
24 maximize resident independence, dignity, choice, and
25 decisionmaking to permit residents to age in place to the
26 extent possible, so that moves due to changes in functional
27 status are minimized or avoided.

28 e. Allow residents or, if applicable, a resident's
29 representative, designee, surrogate, guardian, or attorney in
30 fact to make a variety of personal choices, participate in
31 developing service plans, and share responsibility in

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1 decisionmaking.

2 f. Implement the concept of managed risk.

3 g. Provide, either directly or through contract, the
4 services of a person licensed pursuant to part I of chapter
5 464.

6 h. In addition to the training mandated in s. 400.452,
7 provide specialized training as defined by rule for facility
8 staff.

9 4. Facilities licensed to provide extended congregate
10 care services are exempt from the criteria for continued
11 residency as set forth in rules adopted under s. 400.441.
12 Facilities so licensed shall adopt their own requirements
13 within guidelines for continued residency set forth by the
14 department in rule. However, such facilities may not serve
15 residents who require 24-hour nursing supervision. Facilities
16 licensed to provide extended congregate care services shall
17 provide each resident with a written copy of facility policies
18 governing admission and retention.

19 5. The primary purpose of extended congregate care
20 services is to allow residents, as they become more impaired,
21 the option of remaining in a familiar setting from which they
22 would otherwise be disqualified for continued residency. A
23 facility licensed to provide extended congregate care services
24 may also admit an individual who exceeds the admission
25 criteria for a facility with a standard license, if the
26 individual is determined appropriate for admission to the
27 extended congregate care facility.

28 6. Before admission of an individual to a facility
29 licensed to provide extended congregate care services, the
30 individual must undergo a medical examination as provided in
31 s. 400.426(4) and the facility must develop a preliminary

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1 service plan for the individual.

2 7. When a facility can no longer provide or arrange
3 for services in accordance with the resident's service plan
4 and needs and the facility's policy, the facility shall make
5 arrangements for relocating the person in accordance with s.
6 400.428(1)(k).

7 8. Failure to provide extended congregate care
8 services may result in denial of extended congregate care
9 license renewal.

10 ~~9. No later than January 1 of each year, the~~
11 ~~department, in consultation with the agency, shall prepare and~~
12 ~~submit to the Governor, the President of the Senate, the~~
13 ~~Speaker of the House of Representatives, and the chairs of~~
14 ~~appropriate legislative committees, a report on the status of,~~
15 ~~and recommendations related to, extended congregate care~~
16 ~~services. The status report must include, but need not be~~
17 ~~limited to, the following information:~~

18 ~~a. A description of the facilities licensed to provide~~
19 ~~such services, including total number of beds licensed under~~
20 ~~this part.~~

21 ~~b. The number and characteristics of residents~~
22 ~~receiving such services.~~

23 ~~c. The types of services rendered that could not be~~
24 ~~provided through a standard license.~~

25 ~~d. An analysis of deficiencies cited during licensure~~
26 ~~inspections.~~

27 ~~e. The number of residents who required extended~~
28 ~~congregate care services at admission and the source of~~
29 ~~admission.~~

30 ~~f. Recommendations for statutory or regulatory~~
31 ~~changes.~~

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~~g. The availability of extended congregate care to state clients residing in facilities licensed under this part and in need of additional services, and recommendations for appropriations to subsidize extended congregate care services for such persons.~~

~~h. Such other information as the department considers appropriate.~~

Section 101. Subsection (13) of section 400.419, Florida Statutes, is amended to read:

400.419 Violations; imposition of administrative fines; grounds.--

(13) The agency shall develop and disseminate an annual list of all facilities sanctioned or fined \$5,000 or more for violations of state standards, the number and class of violations involved, the penalties imposed, and the current status of cases. The list shall be disseminated, at no charge, to the Department of Elderly Affairs, the Department of Health, the Department of Children and Family Services, the Agency for Persons with Disabilities, the area agencies on aging, the Florida Statewide Advocacy Council, and the state and local ombudsman councils. The Department of Children and Family Services shall disseminate the list to service providers under contract to the department who are responsible for referring persons to a facility for residency. The agency may charge a fee commensurate with the cost of printing and postage to other interested parties requesting a copy of this list.

Section 102. Subsection (2) of section 400.967, Florida Statutes, is amended to read:

400.967 Rules and classification of deficiencies.--

(2) Pursuant to the intention of the Legislature, the

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1 agency, in consultation with the Agency for Persons with
2 Disabilities ~~Department of Children and Family Services~~ and
3 the Department of Elderly Affairs, shall adopt and enforce
4 rules to administer this part, which shall include reasonable
5 and fair criteria governing:

6 (a) The location and construction of the facility;
7 including fire and life safety, plumbing, heating, cooling,
8 lighting, ventilation, and other housing conditions that will
9 ensure the health, safety, and comfort of residents. The
10 agency shall establish standards for facilities and equipment
11 to increase the extent to which new facilities and a new wing
12 or floor added to an existing facility after July 1, 2000, are
13 structurally capable of serving as shelters only for
14 residents, staff, and families of residents and staff, and
15 equipped to be self-supporting during and immediately
16 following disasters. ~~The Agency for Health Care Administration~~
17 ~~shall work with facilities licensed under this part and report~~
18 ~~to the Governor and the Legislature by April 1, 2000, its~~
19 ~~recommendations for cost-effective renovation standards to be~~
20 ~~applied to existing facilities. In making such rules, the~~
21 ~~agency shall be guided by criteria recommended by nationally~~
22 ~~recognized, reputable professional groups and associations~~
23 ~~having knowledge concerning such subject matters.~~ The agency
24 shall update or revise such criteria as the need arises. All
25 facilities must comply with those lifesafety code requirements
26 and building code standards applicable at the time of approval
27 of their construction plans. The agency may require
28 alterations to a building if it determines that an existing
29 condition constitutes a distinct hazard to life, health, or
30 safety. The agency shall adopt fair and reasonable rules
31 setting forth conditions under which existing facilities

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1 undergoing additions, alterations, conversions, renovations,
2 or repairs are required to comply with the most recent updated
3 or revised standards.

4 (b) The number and qualifications of all personnel,
5 including management, ~~medical~~ nursing, and other personnel,
6 having responsibility for any part of the care given to
7 residents.

8 (c) All sanitary conditions within the facility and
9 its surroundings, including water supply, sewage disposal,
10 food handling, and general hygiene, which will ensure the
11 health and comfort of residents.

12 (d) The equipment essential to the health and welfare
13 of the residents.

14 (e) A uniform accounting system.

15 (f) The care, treatment, and maintenance of residents
16 and measurement of the quality and adequacy thereof.

17 (g) The preparation and annual update of a
18 comprehensive emergency management plan. The agency shall
19 adopt rules establishing minimum criteria for the plan after
20 consultation with the Department of Community Affairs. At a
21 minimum, the rules must provide for plan components that
22 address emergency evacuation transportation; adequate
23 sheltering arrangements; postdisaster activities, including
24 emergency power, food, and water; postdisaster transportation;
25 supplies; staffing; emergency equipment; individual
26 identification of residents and transfer of records; and
27 responding to family inquiries. The comprehensive emergency
28 management plan is subject to review and approval by the local
29 emergency management agency. During its review, the local
30 emergency management agency shall ensure that the following
31 agencies, at a minimum, are given the opportunity to review

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1 the plan: the Department of Elderly Affairs, the Agency for
2 Persons with Disabilities ~~Department of Children and Family~~
3 ~~Services~~, the Agency for Health Care Administration, and the
4 Department of Community Affairs. Also, appropriate volunteer
5 organizations must be given the opportunity to review the
6 plan. The local emergency management agency shall complete its
7 review within 60 days and either approve the plan or advise
8 the facility of necessary revisions.

9 (h) Each licensee shall post its license in a
10 prominent place that is in clear and unobstructed public view
11 at or near the place where residents are being admitted to the
12 facility.

13 Section 103. Paragraph (c) of subsection (1) of
14 section 402.73, Florida Statutes, is amended to read:

15 402.73 Contracting and performance standards.--

16 (1) The Department of Children and Family Services
17 shall establish performance standards for all contracted
18 client services. Notwithstanding s. 287.057(5)(f), the
19 department must competitively procure any contract for client
20 services when any of the following occurs:

21 (c) The department has concluded, after reviewing
22 market prices and available treatment options, that there is
23 evidence that the department can improve the performance
24 outcomes produced by its contract resources. At a minimum, the
25 department shall review market prices and available treatment
26 options biennially. ~~The department shall compile the results~~
27 ~~of the biennial review and include the results in its annual~~
28 ~~performance report to the Legislature pursuant to chapter~~
29 ~~94-249, Laws of Florida.~~ The department shall provide notice
30 and an opportunity for public comment on its review of market
31 prices and available treatment options.

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1 Section 104. Subsection (3) of section 403.4131,
2 Florida Statutes, is amended to read:

3 403.4131 "Keep Florida Beautiful, Incorporated";
4 placement of signs.--

5 (3) The Department of Transportation shall establish
6 an "adopt-a-highway" program to allow local organizations to
7 be identified with specific highway cleanup and highway
8 beautification projects authorized under s. 339.2405 and shall
9 coordinate such efforts with Keep Florida Beautiful, Inc. ~~The~~
10 ~~department shall report to the Governor and the Legislature on~~
11 ~~the progress achieved and the savings incurred by the~~
12 ~~"adopt-a-highway" program.~~ The department shall also monitor
13 ~~and report on~~ compliance with the provisions of the
14 ~~adopt-a-highway~~ program to ensure that organizations that
15 participate ~~in the program~~ comply with the goals identified by
16 the department.

17 Section 105. Section 403.756, Florida Statutes, is
18 repealed.

19 Section 106. Paragraph (b) of subsection (3) and
20 subsection (5) of section 403.7895, Florida Statutes, are
21 amended to read:

22 403.7895 Requirements for the permitting and
23 certification of commercial hazardous waste incinerators.--

24 (3) CERTIFICATION OF NEED.--

25 (b) The board shall make a determination of the need
26 for hazardous waste incinerators, based upon the best
27 available evidence of existing and projected need and
28 available capacity, as presented by the applicant, ~~and as~~
29 ~~determined by the study required by subsection (5).~~

30 ~~(5) HAZARDOUS WASTE NEEDS AND CAPACITY STUDY.--~~

31 ~~(a) The department shall conduct, by November 1, 1994,~~

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~~or the date by which phase 2 of the next capacity assurance plan must be submitted to the United States Environmental Protection Agency, whichever date occurs first, a comprehensive independent study of the current and future need for hazardous waste incineration in the state. The study shall evaluate the projected statewide capacity needs for a 20-year period. The study shall be updated at least every 5 years.~~

~~(b) The department shall consult with state and nationally recognized experts in the field of hazardous waste management, including representatives from state and federal agencies, industry, local government, environmental groups, universities, and other interested parties.~~

~~(c) The study components shall include but not be limited to the following:~~

~~1. Existing and projected sources, amounts, and types of hazardous waste in the state for which incineration is an appropriate treatment alternative, taking into account all applicable federal regulations on the disposal, storage and treatment or definition of hazardous waste.~~

~~2. Existing and projected hazardous waste incinerator capacity in the state and the nation.~~

~~3. Existing and projected hazardous waste incineration capacity in boilers and industrial furnaces in the state and the nation.~~

~~4. Existing and projected hazardous waste incineration needs, specifically taking into account the impacts of pollution prevention, recycling, and other waste reduction strategies.~~

~~5. Any other impacts associated with construction of excess hazardous waste incineration capacity in this state.~~

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~~(d) Upon completion of the study, the department shall present its findings and make recommendations to the board and the Legislature regarding changes in state hazardous waste policies and management strategies. The recommendations shall address the advisability of establishing by statute the maximum capacity for hazardous waste incineration in this state.~~

Section 107. Paragraph (a) of subsection (4) of section 406.02, Florida Statutes, is repealed.

Section 108. Paragraph (g) of subsection (1) of section 408.033, Florida Statutes, is amended to read:

408.033 Local and state health planning.--

(1) LOCAL HEALTH COUNCILS.--

(g) Each local health council is authorized to accept and receive, in furtherance of its health planning functions, funds, grants, and services from governmental agencies and from private or civic sources and to perform studies related to local health planning in exchange for such funds, grants, or services. Each ~~local health~~ council shall, no later than January 30 of each year, render an accounting of the receipt and disbursement of such funds received by it to the Department of Health. ~~The department shall consolidate all such reports and submit such consolidated report to the Legislature no later than March 1 of each year.~~

Section 109. Subsection (4) of section 408.914, Florida Statutes, is repealed.

Section 110. Paragraph (i) of subsection (3) of section 408.915, Florida Statutes, is repealed.

Section 111. Section 408.917, Florida Statutes, is repealed.

Section 112. Paragraph (b) of subsection (7) of

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1 section 409.1451, Florida Statutes, is amended to read:
 2 409.1451 Independent living transition services.--
 3 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.--The
 4 Secretary of Children and Family Services shall establish the
 5 Independent Living Services Advisory Council for the purpose
 6 of reviewing and making recommendations concerning the
 7 implementation and operation of the independent living
 8 transition services. This advisory council shall continue to
 9 function as specified in this subsection until the Legislature
 10 determines that the advisory council can no longer provide a
 11 valuable contribution to the department's efforts to achieve
 12 the goals of the independent living transition services.
 13 (b) The advisory council shall report to the secretary
 14 ~~appropriate substantive committees of the Senate and the House~~
 15 ~~of Representatives~~ on the status of the implementation of the
 16 system of independent living transition services; efforts to
 17 publicize the availability of aftercare support services, the
 18 Road-to-Independence Scholarship Program, and transitional
 19 support services; specific barriers to financial aid created
 20 by the scholarship and possible solutions; the success of the
 21 services; problems identified; recommendations for department
 22 or legislative action; and the department's implementation of
 23 the recommendations contained in the Independent Living
 24 Services Integration Workgroup Report submitted to the Senate
 25 and the House substantive committees December 31, 2002. The
 26 department shall submit a report by December 31 of each year
 27 to the Governor and Legislature ~~This advisory council report~~
 28 ~~shall be submitted by December 31 of each year that the~~
 29 ~~council is in existence and shall be accompanied by a report~~
 30 ~~from the department which~~ includes a summary of the factors
 31 reported on by the council and identifies the recommendations

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1 of the advisory council and either describes the department's
2 actions to implement these recommendations or provides the
3 department's rationale for not implementing the
4 recommendations.

5 Section 113. Section 409.146, Florida Statutes, is
6 repealed.

7 Section 114. Section 409.152, Florida Statutes, is
8 repealed.

9 Section 115. Subsection (1) of section 409.1679,
10 Florida Statutes, is repealed.

11 Section 116. Paragraph (k) of subsection (4) of
12 section 409.221, Florida Statutes, is repealed.

13 Section 117. Paragraph (a) of subsection (3) of
14 section 409.25575, Florida Statutes, is amended to read:

15 409.25575 Support enforcement; privatization.--

16 (3)(a) The department shall establish a quality
17 assurance program for the privatization of services. The
18 quality assurance program must include standards for each
19 specific component of these services. The department shall
20 establish minimum thresholds for each component. Each program
21 operated pursuant to contract must be evaluated annually by
22 the department or by an objective competent entity designated
23 by the department under the provisions of the quality
24 assurance program. The evaluation must be financed from cost
25 savings associated with the privatization of services. ~~The~~
26 ~~department shall submit an annual report regarding quality~~
27 ~~performance, outcome measure attainment, and cost efficiency~~
28 ~~to the President of the Senate, the Speaker of the House of~~
29 ~~Representatives, the Minority leader of each house of the~~
30 ~~Legislature, and the Governor no later than January 31 of each~~
31 ~~year, beginning in 1999.~~ The quality assurance program must be

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1 financed through administrative savings generated by this act.

2 Section 118. Subsection (7) of section 409.2558,

3 Florida Statutes, is amended to read:

4 409.2558 Support distribution and disbursement.--

5 (7) RULEMAKING AUTHORITY.--The department may adopt
6 rules to administer this section. ~~The department shall provide~~
7 ~~a draft of the proposed concepts for the rule for the~~
8 ~~undistributable collections to interested parties for review~~
9 ~~and recommendations prior to full development of the rule and~~
10 ~~initiating the formal rule development process. The department~~
11 ~~shall consider but is not required to implement the~~
12 ~~recommendations. The department shall provide a report to the~~
13 ~~President of the Senate and the Speaker of the House of~~
14 ~~Representatives containing the recommendations received from~~
15 ~~interested parties and the department's response regarding~~
16 ~~incorporating the recommendations into the rule.~~

17 Section 119. Section 409.2567, Florida Statutes, is
18 amended to read:

19 409.2567 Services to individuals not otherwise
20 eligible.--All support services provided by the department
21 shall be made available on behalf of all dependent children.
22 Services shall be provided upon acceptance of public
23 assistance or upon proper application filed with the
24 department. The department shall adopt rules to provide for
25 the payment of a \$25 application fee from each applicant who
26 is not a public assistance recipient. The application fee
27 shall be deposited in the Child Support Enforcement
28 Application and Program Revenue Trust Fund within the
29 Department of Revenue to be used for the Child Support
30 Enforcement Program. The obligor is responsible for all

31 administrative costs, as defined in s. 409.2554. The court

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1 shall order payment of administrative costs without requiring
 2 the department to have a member of the bar testify or submit
 3 an affidavit as to the reasonableness of the costs. An
 4 attorney-client relationship exists only between the
 5 department and the legal services providers in Title IV-D
 6 cases. The attorney shall advise the obligee in Title IV-D
 7 cases that the attorney represents the agency and not the
 8 obligee. In Title IV-D cases, any costs, including filing
 9 fees, recording fees, mediation costs, service of process
 10 fees, and other expenses incurred by the clerk of the circuit
 11 court, shall be assessed only against the nonprevailing
 12 obligor after the court makes a determination of the
 13 nonprevailing obligor's ability to pay such costs and fees. In
 14 any case where the court does not award all costs, the court
 15 shall state in the record its reasons for not awarding the
 16 costs. The Department of Revenue shall not be considered a
 17 party for purposes of this section; however, fees may be
 18 assessed against the department pursuant to s. 57.105(1). ~~The~~
 19 ~~department shall submit a monthly report to the Governor and~~
 20 ~~the chairs of the Health and Human Services Fiscal Committee~~
 21 ~~of the House of Representatives and the Ways and Means~~
 22 ~~Committee of the Senate specifying the funds identified for~~
 23 ~~collection from the noncustodial parents of children receiving~~
 24 ~~temporary assistance and the amounts actually collected.~~

25 Section 120. Subsection (24) of section 409.906,
 26 Florida Statutes, is amended to read:

27 409.906 Optional Medicaid services.--Subject to
 28 specific appropriations, the agency may make payments for
 29 services which are optional to the state under Title XIX of
 30 the Social Security Act and are furnished by Medicaid

31 providers to recipients who are determined to be eligible on

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1 the dates on which the services were provided. Any optional
2 service that is provided shall be provided only when medically
3 necessary and in accordance with state and federal law.
4 Optional services rendered by providers in mobile units to
5 Medicaid recipients may be restricted or prohibited by the
6 agency. Nothing in this section shall be construed to prevent
7 or limit the agency from adjusting fees, reimbursement rates,
8 lengths of stay, number of visits, or number of services, or
9 making any other adjustments necessary to comply with the
10 availability of moneys and any limitations or directions
11 provided for in the General Appropriations Act or chapter 216.
12 If necessary to safeguard the state's systems of providing
13 services to elderly and disabled persons and subject to the
14 notice and review provisions of s. 216.177, the Governor may
15 direct the Agency for Health Care Administration to amend the
16 Medicaid state plan to delete the optional Medicaid service
17 known as "Intermediate Care Facilities for the Developmentally
18 Disabled." Optional services may include:

19 (24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.--The
20 Agency for Health Care Administration, in consultation with
21 the Department of Children and Family Services, may establish
22 a targeted case-management project in those counties
23 identified by the Department of Children and Family Services
24 and for all counties with a community-based child welfare
25 project, as authorized under s. 409.1671, which have been
26 specifically approved by the department. ~~Results of targeted~~
27 ~~case management projects shall be reported to the Social~~
28 ~~Services Estimating Conference established under s. 216.136.~~
29 The covered group of individuals who are eligible to receive
30 targeted case management include children who are eligible for
31 Medicaid; who are between the ages of birth through 21; and

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1 who are under protective supervision or postplacement
2 supervision, under foster-care supervision, or in shelter care
3 or foster care. The number of individuals who are eligible to
4 receive targeted case management shall be limited to the
5 number for whom the Department of Children and Family Services
6 has available matching funds to cover the costs. The general
7 revenue funds required to match the funds for services
8 provided by the community-based child welfare projects are
9 limited to funds available for services described under s.
10 409.1671. The Department of Children and Family Services may
11 transfer the general revenue matching funds as billed by the
12 Agency for Health Care Administration.

13 Section 121. Subsection (4) of section 409.9065,
14 Florida Statutes, is amended to read:

15 409.9065 Pharmaceutical expense assistance.--

16 (4) ADMINISTRATION.--The pharmaceutical expense
17 assistance program shall be administered by the agency, in
18 collaboration with the Department of Elderly Affairs and the
19 Department of Children and Family Services.

20 ~~(a)~~ The agency shall, by rule, establish for the
21 pharmaceutical expense assistance program eligibility
22 requirements; limits on participation; benefit limitations,
23 including copayments; a requirement for generic drug
24 substitution; and other program parameters comparable to those
25 of the Medicaid program. Individuals eligible to participate
26 in this program are not subject to the limit of four brand
27 name drugs per month per recipient as specified in s.

28 409.912(39)(a) ~~s. 409.912(40)(a)~~. There shall be no monetary
29 limit on prescription drugs purchased with discounts of less
30 than 51 percent unless the agency determines there is a risk
31 of a funding shortfall in the program. If the agency

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determines there is a risk of a funding shortfall, the agency may establish monetary limits on prescription drugs which shall not be less than \$160 worth of prescription drugs per month.

~~(b) By January 1 of each year, the agency shall report to the Legislature on the operation of the program. The report shall include information on the number of individuals served, use rates, and expenditures under the program. The report shall also address the impact of the program on reducing unmet pharmaceutical drug needs among the elderly and recommend programmatic changes.~~

Section 122. Section 409.91188, Florida Statutes, is amended to read:

409.91188 Specialty prepaid health plans for Medicaid recipients with HIV or AIDS.--The Agency for Health Care Administration is authorized to contract with specialty prepaid health plans and pay them on a prepaid capitated basis to provide Medicaid benefits to Medicaid-eligible recipients who have human immunodeficiency syndrome (HIV) or acquired immunodeficiency syndrome (AIDS). The agency shall apply for and is authorized to implement federal waivers or other necessary federal authorization to implement the prepaid health plans authorized by this section. The agency shall procure the specialty prepaid health plans through a competitive procurement. In awarding a contract to a managed care plan, the agency shall take into account price, quality, accessibility, linkages to community-based organizations, and the comprehensiveness of the benefit package offered by the plan. The agency may bid the HIV/AIDS specialty plans on a county, regional, or statewide basis. Qualified plans must be licensed under chapter 641. ~~The agency shall monitor and~~

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1 ~~evaluate the implementation of this waiver program if it is~~
 2 ~~approved by the Federal Government and shall report on its~~
 3 ~~status to the President of the Senate and the Speaker of the~~
 4 ~~House of Representatives by February 1, 2001.~~ To improve
 5 coordination of medical care delivery and to increase cost
 6 efficiency for the Medicaid program in treating HIV disease,
 7 the agency ~~for Health Care Administration~~ shall seek all
 8 necessary federal waivers to allow participation in the
 9 Medipass HIV disease management program for Medicare
 10 beneficiaries who test positive for HIV infection and who also
 11 qualify for Medicaid benefits such as prescription medications
 12 not covered by Medicare.

13 Section 123. Paragraph (b) of subsection (4) and
 14 subsections (5), (21), (29), (41), (44), and (49) of section
 15 409.912, Florida Statutes, are amended to read:

16 409.912 Cost-effective purchasing of health care.--The
 17 agency shall purchase goods and services for Medicaid
 18 recipients in the most cost-effective manner consistent with
 19 the delivery of quality medical care. To ensure that medical
 20 services are effectively utilized, the agency may, in any
 21 case, require a confirmation or second physician's opinion of
 22 the correct diagnosis for purposes of authorizing future
 23 services under the Medicaid program. This section does not
 24 restrict access to emergency services or poststabilization
 25 care services as defined in 42 C.F.R. part 438.114. Such
 26 confirmation or second opinion shall be rendered in a manner
 27 approved by the agency. The agency shall maximize the use of
 28 prepaid per capita and prepaid aggregate fixed-sum basis
 29 services when appropriate and other alternative service
 30 delivery and reimbursement methodologies, including

31 competitive bidding pursuant to s. 287.057, designed to

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1 facilitate the cost-effective purchase of a case-managed
2 continuum of care. The agency shall also require providers to
3 minimize the exposure of recipients to the need for acute
4 inpatient, custodial, and other institutional care and the
5 inappropriate or unnecessary use of high-cost services. The
6 agency may mandate prior authorization, drug therapy
7 management, or disease management participation for certain
8 populations of Medicaid beneficiaries, certain drug classes,
9 or particular drugs to prevent fraud, abuse, overuse, and
10 possible dangerous drug interactions. The Pharmaceutical and
11 Therapeutics Committee shall make recommendations to the
12 agency on drugs for which prior authorization is required. The
13 agency shall inform the Pharmaceutical and Therapeutics
14 Committee of its decisions regarding drugs subject to prior
15 authorization. The agency is authorized to limit the entities
16 it contracts with or enrolls as Medicaid providers by
17 developing a provider network through provider credentialing.
18 The agency may limit its network based on the assessment of
19 beneficiary access to care, provider availability, provider
20 quality standards, time and distance standards for access to
21 care, the cultural competence of the provider network,
22 demographic characteristics of Medicaid beneficiaries,
23 practice and provider-to-beneficiary standards, appointment
24 wait times, beneficiary use of services, provider turnover,
25 provider profiling, provider licensure history, previous
26 program integrity investigations and findings, peer review,
27 provider Medicaid policy and billing compliance records,
28 clinical and medical record audits, and other factors.
29 Providers shall not be entitled to enrollment in the Medicaid
30 provider network. The agency is authorized to seek federal
31 waivers necessary to implement this policy.

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1 (4) The agency may contract with:

2 (b) An entity that is providing comprehensive
3 behavioral health care services to certain Medicaid recipients
4 through a capitated, prepaid arrangement pursuant to the
5 federal waiver provided for by s. 409.905(5). Such an entity
6 must be licensed under chapter 624, chapter 636, or chapter
7 641 and must possess the clinical systems and operational
8 competence to manage risk and provide comprehensive behavioral
9 health care to Medicaid recipients. As used in this paragraph,
10 the term "comprehensive behavioral health care services" means
11 covered mental health and substance abuse treatment services
12 that are available to Medicaid recipients. The secretary of
13 the Department of Children and Family Services shall approve
14 provisions of procurements related to children in the
15 department's care or custody prior to enrolling such children
16 in a prepaid behavioral health plan. Any contract awarded
17 under this paragraph must be competitively procured. In
18 developing the behavioral health care prepaid plan procurement
19 document, the ~~agency shall ensure that the procurement~~
20 document must require ~~requires~~ the contractor to develop and
21 implement a plan to ensure compliance with s. 394.4574 related
22 to services provided to residents of licensed assisted living
23 facilities that hold a limited mental health license. Except
24 as provided in subparagraph 8., the agency shall seek federal
25 approval to contract with a single entity meeting these
26 requirements to provide comprehensive behavioral health care
27 services to all Medicaid recipients not enrolled in a managed
28 care plan in an AHCA area. Each entity must offer sufficient
29 choice of providers in its network to ensure recipient access
30 to care and the opportunity to select a provider with whom
31 they are satisfied. The network shall include all public

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1 mental health hospitals. To ensure unimpaired access to
 2 behavioral health care services by Medicaid recipients, all
 3 contracts issued pursuant to this paragraph shall require 80
 4 percent of the capitation paid to the managed care plan,
 5 including health maintenance organizations, to be expended for
 6 the provision of behavioral health care services. In the event
 7 the managed care plan expends less than 80 percent of the
 8 capitation paid pursuant to this paragraph for the provision
 9 of behavioral health care services, the difference shall be
 10 returned to the agency. The agency shall provide the managed
 11 care plan with a certification letter indicating the amount of
 12 capitation paid during each calendar year for the provision of
 13 behavioral health care services pursuant to this section. The
 14 agency may reimburse for substance abuse treatment services on
 15 a fee-for-service basis until the agency finds that adequate
 16 funds are available for capitated, prepaid arrangements.

17 ~~1. By January 1, 2001, the agency shall modify the~~
 18 ~~contracts with the entities providing comprehensive inpatient~~
 19 ~~and outpatient mental health care services to Medicaid~~
 20 ~~recipients in Hillsborough, Highlands, Hardee, Manatee, and~~
 21 ~~Polk Counties, to include substance abuse treatment services.~~

22 ~~2. By July 1, 2003, the agency and the Department of~~
 23 ~~Children and Family Services shall execute a written agreement~~
 24 ~~that requires collaboration and joint development of all~~
 25 ~~policy, budgets, procurement documents, contracts, and~~
 26 ~~monitoring plans that have an impact on the state and Medicaid~~
 27 ~~community mental health and targeted case management programs.~~

28 ~~1.3.~~ Except as provided in subparagraph ~~6. 8.~~, by July
 29 1, 2006, the agency and the Department of Children and Family
 30 Services shall contract with managed care entities in each
 31 AHCA area except area 6 or arrange to provide comprehensive

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1 inpatient and outpatient mental health and substance abuse
2 services through capitated prepaid arrangements to all
3 Medicaid recipients who are eligible to participate in such
4 plans under federal law and regulation. In AHCA areas where
5 eligible individuals number less than 150,000, the agency
6 shall contract with a single managed care plan to provide
7 comprehensive behavioral health services to all recipients who
8 are not enrolled in a Medicaid health maintenance
9 organization. The agency may contract with more than one
10 comprehensive behavioral health provider to provide care to
11 recipients who are not enrolled in a Medicaid health
12 maintenance organization in AHCA areas where the eligible
13 population exceeds 150,000. Contracts for comprehensive
14 behavioral health providers awarded pursuant to this section
15 shall be competitively procured. Both for-profit and
16 not-for-profit corporations shall be eligible to compete.
17 Managed care plans contracting with the agency under
18 subsection (3) shall provide and receive payment for the same
19 comprehensive behavioral health benefits as provided in AHCA
20 rules, including handbooks incorporated by reference.

21 ~~4. By October 1, 2003, the agency and the department~~
22 ~~shall submit a plan to the Governor, the President of the~~
23 ~~Senate, and the Speaker of the House of Representatives which~~
24 ~~provides for the full implementation of capitated prepaid~~
25 ~~behavioral health care in all areas of the state.~~

26 ~~a. Implementation shall begin in 2003 in those AHCA~~
27 ~~areas of the state where the agency is able to establish~~
28 ~~sufficient capitation rates.~~

29 ~~2.b.~~ If the agency determines that the proposed
30 capitation rate in any area is insufficient to provide
31 appropriate services, the agency may adjust the capitation

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1 rate to ensure that care will be available. The agency and the
2 department may use existing general revenue to address any
3 additional required match but may not over-obligate existing
4 funds on an annualized basis.

5 ~~c.~~ Subject to any limitations provided for in the
6 General Appropriations Act, the agency, in compliance with
7 appropriate federal authorization, shall develop policies and
8 procedures that allow for certification of local and state
9 funds.

10 ~~3.5.~~ Children residing in a statewide inpatient
11 psychiatric program, or in a Department of Juvenile Justice or
12 a Department of Children and Family Services residential
13 program approved as a Medicaid behavioral health overlay
14 services provider shall not be included in a behavioral health
15 care prepaid health plan or any other Medicaid managed care
16 plan pursuant to this paragraph.

17 ~~4.6.~~ In converting to a prepaid system of delivery,
18 the agency shall in its procurement document require an entity
19 providing only comprehensive behavioral health care services
20 to prevent the displacement of indigent care patients by
21 enrollees in the Medicaid prepaid health plan providing
22 behavioral health care services from facilities receiving
23 state funding to provide indigent behavioral health care, to
24 facilities licensed under chapter 395 which do not receive
25 state funding for indigent behavioral health care, or
26 reimburse the unsubsidized facility for the cost of behavioral
27 health care provided to the displaced indigent care patient.

28 ~~5.7.~~ Traditional community mental health providers
29 under contract with the Department of Children and Family
30 Services pursuant to part IV of chapter 394, child welfare
31 providers under contract with the Department of Children and

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1 Family Services in areas 1 and 6, and inpatient mental health
2 providers licensed pursuant to chapter 395 must be offered an
3 opportunity to accept or decline a contract to participate in
4 any provider network for prepaid behavioral health services.

5 ~~6.8.~~ For fiscal year 2004-2005, all Medicaid eligible
6 children, except children in areas 1 and 6, whose cases are
7 open for child welfare services in the HomeSafeNet system,
8 shall be enrolled in MediPass or in Medicaid fee-for-service
9 and all their behavioral health care services including
10 inpatient, outpatient psychiatric, community mental health,
11 and case management shall be reimbursed on a fee-for-service
12 basis. Beginning July 1, 2005, such children, who are open for
13 child welfare services in the HomeSafeNet system, shall
14 receive their behavioral health care services through a
15 specialty prepaid plan operated by community-based lead
16 agencies either through a single agency or formal agreements
17 among several agencies. The specialty prepaid plan must result
18 in savings to the state comparable to savings achieved in
19 other Medicaid managed care and prepaid programs. Such plan
20 must provide mechanisms to maximize state and local revenues.
21 The specialty prepaid plan shall be developed by the agency
22 and the Department of Children and Family Services. The agency
23 is authorized to seek any federal waivers to implement this
24 initiative.

25 ~~(5) By October 1, 2003, the agency and the department~~
26 ~~shall, to the extent feasible, develop a plan for implementing~~
27 ~~new Medicaid procedure codes for emergency and crisis care,~~
28 ~~supportive residential services, and other services designed~~
29 ~~to maximize the use of Medicaid funds for Medicaid eligible~~
30 ~~recipients. The agency shall include in the agreement~~
31 ~~developed pursuant to subsection (4) a provision that ensures~~

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1 ~~that the match requirements for these new procedure codes are~~
 2 ~~met by certifying eligible general revenue or local funds that~~
 3 ~~are currently expended on these services by the department~~
 4 ~~with contracted alcohol, drug abuse, and mental health~~
 5 ~~providers. The plan must describe specific procedure codes to~~
 6 ~~be implemented, a projection of the number of procedures to be~~
 7 ~~delivered during fiscal year 2003-2004, and a financial~~
 8 ~~analysis that describes the certified match procedures, and~~
 9 ~~accountability mechanisms, projects the earnings associated~~
 10 ~~with these procedures, and describes the sources of state~~
 11 ~~match. This plan may not be implemented in any part until~~
 12 ~~approved by the Legislative Budget Commission. If such~~
 13 ~~approval has not occurred by December 31, 2003, the plan shall~~
 14 ~~be submitted for consideration by the 2004 Legislature.~~

15 ~~(20)(21)~~ Any entity contracting with the agency
 16 pursuant to this section to provide health care services to
 17 Medicaid recipients is prohibited from engaging in any of the
 18 following practices or activities:

19 (a) Practices that are discriminatory, including, but
 20 not limited to, attempts to discourage participation on the
 21 basis of actual or perceived health status.

22 (b) Activities that could mislead or confuse
 23 recipients, or misrepresent the organization, its marketing
 24 representatives, or the agency. Violations of this paragraph
 25 include, but are not limited to:

26 1. False or misleading claims that marketing
 27 representatives are employees or representatives of the state
 28 or county, or of anyone other than the entity or the
 29 organization by whom they are reimbursed.

30 2. False or misleading claims that the entity is
 31 recommended or endorsed by any state or county agency, or by

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1 any other organization which has not certified its endorsement
2 in writing to the entity.

3 3. False or misleading claims that the state or county
4 recommends that a Medicaid recipient enroll with an entity.

5 4. Claims that a Medicaid recipient will lose benefits
6 under the Medicaid program, or any other health or welfare
7 benefits to which the recipient is legally entitled, if the
8 recipient does not enroll with the entity.

9 (c) Granting or offering of any monetary or other
10 valuable consideration for enrollment, except as authorized by
11 subsection (23) ~~(24)~~.

12 (d) Door-to-door solicitation of recipients who have
13 not contacted the entity or who have not invited the entity to
14 make a presentation.

15 (e) Solicitation of Medicaid recipients by marketing
16 representatives stationed in state offices unless approved and
17 supervised by the agency or its agent and approved by the
18 affected state agency when solicitation occurs in an office of
19 the state agency. The agency shall ensure that marketing
20 representatives stationed in state offices shall market their
21 managed care plans to Medicaid recipients only in designated
22 areas and in such a way as to not interfere with the
23 recipients' activities in the state office.

24 (f) Enrollment of Medicaid recipients.

25 (28) ~~(29)~~ The agency shall perform enrollments and
26 disenrollments for Medicaid recipients who are eligible for
27 MediPass or managed care plans. Notwithstanding the
28 prohibition contained in paragraph (20)(f) ~~(21)(f)~~, managed
29 care plans may perform preenrollments of Medicaid recipients
30 under the supervision of the agency or its agents. For the
31 purposes of this section, "preenrollment" means the provision

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1 of marketing and educational materials to a Medicaid recipient
2 and assistance in completing the application forms, but shall
3 not include actual enrollment into a managed care plan. An
4 application for enrollment shall not be deemed complete until
5 the agency or its agent verifies that the recipient made an
6 informed, voluntary choice. The agency, in cooperation with
7 the Department of Children and Family Services, may test new
8 marketing initiatives to inform Medicaid recipients about
9 their managed care options at selected sites. ~~The agency shall~~
10 ~~report to the Legislature on the effectiveness of such~~
11 ~~initiatives.~~ The agency may contract with a third party to
12 perform managed care plan and MediPass enrollment and
13 disenrollment services for Medicaid recipients and is
14 authorized to adopt rules to implement such services. The
15 agency may adjust the capitation rate only to cover the costs
16 of a third-party enrollment and disenrollment contract, and
17 for agency supervision and management of the managed care plan
18 enrollment and disenrollment contract.

19 ~~(40)(41)~~ The agency shall provide for the development
20 of a demonstration project by establishment in Miami-Dade
21 County of a long-term-care facility licensed pursuant to
22 chapter 395 to improve access to health care for a
23 predominantly minority, medically underserved, and medically
24 complex population and to evaluate alternatives to nursing
25 home care and general acute care for such population. Such
26 project is to be located in a health care condominium and
27 colocated with licensed facilities providing a continuum of
28 care. The establishment of this project is not subject to the
29 provisions of s. 408.036 or s. 408.039. ~~The agency shall~~
30 ~~report its findings to the Governor, the President of the~~
31 ~~Senate, and the Speaker of the House of Representatives by~~

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1 ~~January 1, 2003.~~

2 (43)(44) The Agency for Health Care Administration
3 shall ensure that any Medicaid managed care plan as defined in
4 s. 409.9122(2)(h), whether paid on a capitated basis or a
5 shared savings basis, is cost-effective. For purposes of this
6 subsection, the term "cost-effective" means that a network's
7 per-member, per-month costs to the state, including, but not
8 limited to, fee-for-service costs, administrative costs, and
9 case-management fees, must be no greater than the state's
10 costs associated with contracts for Medicaid services
11 established under subsection (3), which shall be actuarially
12 adjusted for case mix, model, and service area. The agency
13 shall conduct actuarially sound audits adjusted for case mix
14 and model in order to ensure such cost-effectiveness and shall
15 publish the audit results on its Internet website ~~and submit~~
16 ~~the audit results annually to the Governor, the President of~~
17 ~~the Senate, and the Speaker of the House of Representatives no~~
18 ~~later than December 31 of each year.~~ Contracts established
19 pursuant to this subsection which are not cost-effective may
20 not be renewed.

21 (48)(49) The agency shall contract with established
22 minority physician networks that provide services to
23 historically underserved minority patients. The networks must
24 provide cost-effective Medicaid services, comply with the
25 requirements to be a MediPass provider, and provide their
26 primary care physicians with access to data and other
27 management tools necessary to assist them in ensuring the
28 appropriate use of services, including inpatient hospital
29 services and pharmaceuticals.

30 (a) The agency shall provide for the development and
31 expansion of minority physician networks in each service area

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1 to provide services to Medicaid recipients who are eligible to
2 participate under federal law and rules.

3 (b) The agency shall reimburse each minority physician
4 network as a fee-for-service provider, including the case
5 management fee for primary care, or as a capitated rate
6 provider for Medicaid services. Any savings shall be shared
7 with the minority physician networks pursuant to the contract.

8 (c) For purposes of this subsection, the term
9 "cost-effective" means that a network's per-member, per-month
10 costs to the state, including, but not limited to,
11 fee-for-service costs, administrative costs, and
12 case-management fees, must be no greater than the state's
13 costs associated with contracts for Medicaid services
14 established under subsection (3), which shall be actuarially
15 adjusted for case mix, model, and service area. The agency
16 shall conduct actuarially sound audits adjusted for case mix
17 and model in order to ensure such cost-effectiveness and shall
18 publish the audit results on its Internet website ~~and submit~~
19 ~~the audit results annually to the Governor, the President of~~
20 ~~the Senate, and the Speaker of the House of Representatives no~~
21 ~~later than December 31.~~ Contracts established pursuant to this
22 subsection which are not cost-effective may not be renewed.

23 (d) The agency may apply for any federal waivers
24 needed to implement this subsection.

25 Section 124. Section 410.0245, Florida Statutes, is
26 repealed.

27 Section 125. Subsection (10) of section 410.604,
28 Florida Statutes, is repealed.

29 Section 126. Section 411.221, Florida Statutes, is
30 repealed.

31 Section 127. Section 411.242, Florida Statutes, is

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1 repealed.

2 Section 128. Subsection (8) of section 413.402,
3 Florida Statutes, is repealed.

4 Section 129. Subsection (3) of section 414.1251,
5 Florida Statutes, is repealed.

6 Section 130. Section 414.14, Florida Statutes, is
7 amended to read:

8 414.14 Public assistance policy simplification.--To
9 the extent possible, the department shall align the
10 requirements for eligibility under this chapter with the food
11 stamp program and medical assistance eligibility policies and
12 procedures to simplify the budgeting process and reduce
13 errors. If the department determines that s. 414.075,
14 relating to resources, or s. 414.085, relating to income, is
15 inconsistent with related provisions of federal law which
16 govern the food stamp program or medical assistance, and that
17 conformance to federal law would simplify administration of
18 the WAGES Program or reduce errors without materially
19 increasing the cost of the program to the state, the secretary
20 of the department may propose a change in the resource or
21 income requirements of the program by rule. ~~The secretary~~
22 ~~shall provide written notice to the President of the Senate,~~
23 ~~the Speaker of the House of Representatives, and the~~
24 ~~chairpersons of the relevant committees of both houses of the~~
25 ~~Legislature summarizing the proposed modifications to be made~~
26 ~~by rule and changes necessary to conform state law to federal~~
27 ~~law. The proposed rule shall take effect 14 days after written~~
28 ~~notice is given unless the President of the Senate or the~~
29 ~~Speaker of the House of Representatives advises the secretary~~
30 ~~that the proposed rule exceeds the delegated authority of the~~
31 ~~Legislature.~~

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1 Section 131. Subsection (1) of section 414.36, Florida
2 Statutes, is repealed.

3 Section 132. Subsection (3) of section 414.391,
4 Florida Statutes, is repealed.

5 Section 133. Subsection (6) of section 415.1045,
6 Florida Statutes, is amended to read:

7 415.1045 Photographs, videotapes, and medical
8 examinations; abrogation of privileged communications;
9 confidential records and documents.--

10 (6) WORKING AGREEMENTS.--~~By March 1, 2004,~~ The
11 department shall enter into working agreements with the
12 jurisdictionally responsible county sheriffs' office or local
13 police department that will be the lead agency when conducting
14 any criminal investigation arising from an allegation of
15 abuse, neglect, or exploitation of a vulnerable adult. The
16 working agreement must specify how the requirements of this
17 chapter will be met. ~~The Office of Program Policy Analysis and~~
18 ~~Government Accountability shall conduct a review of the~~
19 ~~efficacy of the agreements and report its findings to the~~
20 ~~Legislature by March 1, 2005.~~ For the purposes of such
21 agreement, the jurisdictionally responsible law enforcement
22 entity is authorized to share Florida criminal history and
23 local criminal history information that is not otherwise
24 exempt from s. 119.07(1) with the district personnel. A law
25 enforcement entity entering into such agreement must comply
26 with s. 943.0525. Criminal justice information provided by
27 such law enforcement entity shall be used only for the
28 purposes specified in the agreement and shall be provided at
29 no charge. Notwithstanding any other provision of law, the
30 Department of Law Enforcement shall provide to the department
31 electronic access to Florida criminal justice information

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1 which is lawfully available and not exempt from s. 119.07(1),
2 only for the purpose of protective investigations and
3 emergency placement. As a condition of access to such
4 information, the department shall be required to execute an
5 appropriate user agreement addressing the access, use,
6 dissemination, and destruction of such information and to
7 comply with all applicable laws and rules of the Department of
8 Law Enforcement.

9 Section 134. Paragraph (a) of subsection (5) of
10 section 415.111, Florida Statutes, is amended to read:

11 415.111 Criminal penalties.--

12 (5) A person who knowingly and willfully makes a false
13 report of abuse, neglect, or exploitation of a vulnerable
14 adult, or a person who advises another to make a false report,
15 commits a felony of the third degree, punishable as provided
16 in s. 775.082 or s. 775.083.

17 (a) The department shall establish procedures for
18 determining whether a false report of abuse, neglect, or
19 exploitation of a vulnerable adult has been made and for
20 submitting all identifying information relating to such a
21 false report to the local law enforcement agency as provided
22 in this subsection ~~and shall report annually to the~~
23 ~~Legislature the number of reports referred.~~

24 Section 135. Subsection (9) of section 420.622,
25 Florida Statutes, is amended to read:

26 420.622 State Office on Homelessness; Council on
27 Homelessness.--

28 (9) The council shall, by December 31 of each year,
29 ~~provide issue~~ to the Governor, the Legislature ~~President of~~
30 ~~the Senate, the Speaker of the House of Representatives, and~~
31 the Secretary of Children and Family Services ~~an evaluation of~~

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~~the executive director's performance in fulfilling the~~
~~statutory duties of the office,~~ a report summarizing the
status of homelessness in the state and the council's
~~recommendations to the office and the corresponding actions~~
~~taken by the office, and any recommendations to the~~
~~Legislature for reducing proposals to reduce homelessness in~~
 this state.

Section 136. Subsection (4) of section 420.623,
Florida Statutes, is repealed.

Section 137. Subsection (9) of section 427.704,
 Florida Statutes, is amended to read:

427.704 Powers and duties of the commission.--

(9) The commission shall prepare ~~provide to the~~
~~President of the Senate and to the Speaker of the House of~~
~~Representatives~~ an annual report on the operation of the
 telecommunications access system, which shall be available on
the commission's Internet website. ~~The first report shall be~~
~~provided no later than January 1, 1992, and successive reports~~
~~shall be provided by January 1 of each year thereafter.~~
 Reports shall be prepared in consultation with the
 administrator and the advisory committee appointed pursuant to
s. 427.706. The reports shall, at a minimum, briefly outline
 the status of developments of the telecommunications access
 system, the number of persons served, the call volume,
 revenues and expenditures, the allocation of the revenues and
 expenditures between provision of specialized
 telecommunications devices to individuals and operation of
 statewide relay service, other major policy or operational
 issues, and proposals for improvements or changes to the
 telecommunications access system.

Section 138. Subsection (2) of section 427.706,

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1 Florida Statutes, is amended to read:

2 427.706 Advisory committee.--

3 (2) The advisory committee shall provide the
4 expertise, experience, and perspective of persons who are
5 hearing impaired or speech impaired to the commission and to
6 the administrator during all phases of the development and
7 operation of the telecommunications access system. The
8 advisory committee shall advise the commission and the
9 administrator on any matter relating to the quality and
10 cost-effectiveness of the telecommunications relay service and
11 the specialized telecommunications devices distribution
12 system. The advisory committee may submit material for
13 inclusion in the annual report prepared pursuant to s. 427.704
14 ~~to the President of the Senate and the Speaker of the House of~~
15 ~~Representatives.~~

16 Section 139. Subsections (3) through (16) of section
17 430.04, Florida Statutes, are amended to read:

18 430.04 Duties and responsibilities of the Department
19 of Elderly Affairs.--The Department of Elderly Affairs shall:

20 ~~(3) Prepare and submit to the Governor, each Cabinet~~
21 ~~member, the President of the Senate, the Speaker of the House~~
22 ~~of Representatives, the minority leaders of the House and~~
23 ~~Senate, and chairpersons of appropriate House and Senate~~
24 ~~committees a master plan for policies and programs in the~~
25 ~~state related to aging. The plan must identify and assess the~~
26 ~~needs of the elderly population in the areas of housing,~~
27 ~~employment, education and training, medical care, long-term~~
28 ~~care, preventive care, protective services, social services,~~
29 ~~mental health, transportation, and long-term care insurance,~~
30 ~~and other areas considered appropriate by the department. The~~
31 ~~plan must assess the needs of particular subgroups of the~~

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1 ~~population and evaluate the capacity of existing programs,~~
2 ~~both public and private and in state and local agencies, to~~
3 ~~respond effectively to identified needs. If the plan~~
4 ~~recommends the transfer of any program or service from the~~
5 ~~Department of Children and Family Services to another state~~
6 ~~department, the plan must also include recommendations that~~
7 ~~provide for an independent third-party mechanism, as currently~~
8 ~~exists in the Florida advocacy councils established in ss.~~
9 ~~402.165 and 402.166, for protecting the constitutional and~~
10 ~~human rights of recipients of departmental services. The plan~~
11 ~~must include policy goals and program strategies designed to~~
12 ~~respond efficiently to current and projected needs. The plan~~
13 ~~must also include policy goals and program strategies to~~
14 ~~promote intergenerational relationships and activities.~~
15 ~~Public hearings and other appropriate processes shall be~~
16 ~~utilized by the department to solicit input for the~~
17 ~~development and updating of the master plan from parties~~
18 ~~including, but not limited to, the following:~~

19 ~~(a) Elderly citizens and their families and~~
20 ~~caregivers.~~

21 ~~(b) Local-level public and private service providers,~~
22 ~~advocacy organizations, and other organizations relating to~~
23 ~~the elderly.~~

24 ~~(c) Local governments.~~

25 ~~(d) All state agencies that provide services to the~~
26 ~~elderly.~~

27 ~~(e) University centers on aging.~~

28 ~~(f) Area agency on aging and community care for the~~
29 ~~elderly lead agencies.~~

30 ~~(3)(4)~~ Serve as an information clearinghouse at the
31 state level, and assist local-level information and referral

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resources as a repository and means for dissemination of information regarding all federal, state, and local resources for assistance to the elderly in the areas of, but not limited to, health, social welfare, long-term care, protective services, consumer protection, education and training, housing, employment, recreation, transportation, insurance, and retirement.

~~(4)(5)~~ Recommend guidelines for the development of roles for state agencies that provide services for the aging, review plans of agencies that provide such services, and relay these plans to the Governor and the Legislature, ~~each Cabinet member, the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the House and Senate, and chairpersons of appropriate House and Senate committees.~~

~~(5)(6)~~ Recommend to the Governor and the Legislature, ~~each Cabinet member, the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the House and Senate, and chairpersons of appropriate House and Senate committees~~ an organizational framework for the planning, coordination, implementation, and evaluation of programs related to aging, with the purpose of expanding and improving programs and opportunities available to the state's elderly population and enhancing a continuum of long-term care. This framework must assure that:

(a) Performance objectives are established.

(b) Program reviews are conducted statewide.

(c) Each major program related to aging is reviewed every 3 years.

~~(d) Agency budget requests reflect the results and recommendations of such program reviews.~~

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1 ~~(d)(e)~~ Program decisions reinforce ~~lead to~~ the
2 distinctive roles established for state agencies that provide
3 aging services.

4 ~~(6)(7)~~ Advise the Governor and the Legislature, ~~each~~
5 ~~Cabinet member, the President of the Senate, the Speaker of~~
6 ~~the House of Representatives, the minority leaders of the~~
7 ~~House and Senate, and the chairpersons of appropriate House~~
8 ~~and Senate committees~~ regarding the need for and location of
9 programs related to aging.

10 ~~(7)(8)~~ Review and coordinate aging research plans of
11 all state agencies to ensure that the conformance of research
12 objectives address to issues and needs of the state's elderly
13 population ~~addressed in the master plan for policies and~~
14 ~~programs related to aging~~. The research activities that must
15 be reviewed and coordinated by the department include, but are
16 not limited to, contracts with academic institutions,
17 development of educational and training curriculums,
18 Alzheimer's disease and other medical research, studies of
19 long-term care and other personal assistance needs, and design
20 of adaptive or modified living environments.

21 ~~(8)(9)~~ Review budget requests for programs related to
22 aging to ensure the most cost-effective use of state funding
23 for the state's elderly population before ~~for compliance with~~
24 ~~the master plan for policies and programs related to aging~~
25 ~~before~~ submission to the Governor and the Legislature.

26 ~~(10)~~ ~~Update the master plan for policies and programs~~
27 ~~related to aging every 3 years.~~

28 ~~(11)~~ ~~Review implementation of the master plan for~~
29 ~~programs and policies related to aging and annually report to~~
30 ~~the Governor, each Cabinet member, the President of the~~
31 ~~Senate, the Speaker of the House of Representatives, the~~

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~~minority leaders of the House and Senate, and the chairpersons of appropriate House and Senate committees the progress towards implementation of the plan.~~

~~(9)(12)~~ Request other departments that administer programs affecting the state's elderly population to amend their plans, rules, policies, and research objectives as necessary to ensure that programs and other initiatives are coordinated and maximize the state's efforts to address the needs of the elderly ~~conform with the master plan for policies and programs related to aging.~~

~~(10)(13)~~ Hold public meetings regularly throughout the state for purposes of receiving information and maximizing the visibility of important issues relating to aging and the elderly.

~~(11)(14)~~ Conduct policy analysis and program evaluation studies assigned by the Legislature.

~~(12)(15)~~ Assist the Governor, each Cabinet member, and members of the Legislature ~~the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the House and Senate, and the chairpersons of appropriate House and Senate committees~~ in the conduct of their responsibilities in such capacities as they consider appropriate.

~~(13)(16)~~ Call upon appropriate agencies of state government for such assistance as is needed in the discharge of its duties. All agencies shall cooperate in assisting the department in carrying out its responsibilities as prescribed by this section. However, no provision of law with respect to confidentiality of information may be violated.

Section 140. Subsections (3) and (8) of section 430.502, Florida Statutes, are amended to read:

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1 430.502 Alzheimer's disease; memory disorder clinics
2 and day care and respite care programs.--

3 (3) The Alzheimer's Disease Advisory Committee shall
4 ~~must~~ evaluate and make recommendations to the department and
5 the Legislature concerning the need for additional memory
6 disorder clinics in the state. ~~The first report will be due by~~
7 ~~December 31, 1995.~~

8 (8) The department will implement the waiver program
9 specified in subsection (7). The agency and the department
10 shall ensure that providers are selected that have a history
11 of successfully serving persons with Alzheimer's disease. The
12 department and the agency shall develop specialized standards
13 for providers and services tailored to persons in the early,
14 middle, and late stages of Alzheimer's disease and designate a
15 level of care determination process and standard that is most
16 appropriate to this population. The department and the agency
17 shall include in the waiver services designed to assist the
18 caregiver in continuing to provide in-home care. The
19 department shall implement this waiver program subject to a
20 specific appropriation or as provided in the General
21 Appropriations Act. ~~The department and the agency shall submit~~
22 ~~their program design to the President of the Senate and the~~
23 ~~Speaker of the House of Representatives for consultation~~
24 ~~during the development process.~~

25 Section 141. Subsection (1) of section 430.707,
26 Florida Statutes, is amended to read:

27 430.707 Contracts.--

28 (1) The department, in consultation with the agency,
29 shall select and contract with managed care organizations and,
30 on a prepaid basis, with other qualified providers as defined
31 in s. 430.703(7) to provide long-term care within community

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~~diversion pilot project areas. The agency shall evaluate and report quarterly to the department the compliance by other qualified providers with all the financial and quality assurance requirements of the contract.~~

Section 142. Paragraph (a) of subsection (3) of section 445.003, Florida Statutes, is amended to read:

445.003 Implementation of the federal Workforce Investment Act of 1998.--

(3) FUNDING.--

(a) Title I, Workforce Investment Act of 1998 funds; Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended based on the 5-year plan of Workforce Florida, Inc. The plan shall outline and direct the method used to administer and coordinate various funds and programs that are operated by various agencies. The following provisions shall also apply to these funds:

1. At least 50 percent of the Title I funds for Adults and Dislocated Workers that are passed through to regional workforce boards shall be allocated to Individual Training Accounts unless a regional workforce board obtains a waiver from Workforce Florida, Inc. Tuition, fees, and performance-based incentive awards paid in compliance with Florida's Performance-Based Incentive Fund Program qualify as an Individual Training Account expenditure, as do other programs developed by regional workforce boards in compliance with policies of Workforce Florida, Inc.

2. Fifteen percent of Title I funding shall be retained at the state level and shall be dedicated to state administration and used to design, develop, induce, and fund innovative Individual Training Account pilots, demonstrations, and programs. Of such funds retained at the state level, \$2

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1 million shall be reserved for the Incumbent Worker Training
2 Program, created under subparagraph 3. Eligible state
3 administration costs include the costs of: funding for the
4 board and staff of Workforce Florida, Inc.; operating fiscal,
5 compliance, and management accountability systems through
6 Workforce Florida, Inc.; conducting evaluation and research on
7 workforce development activities; and providing technical and
8 capacity building assistance to regions at the direction of
9 Workforce Florida, Inc. Notwithstanding s. 445.004, such
10 administrative costs shall not exceed 25 percent of these
11 funds. An amount not to exceed 75 percent of these funds shall
12 be allocated to Individual Training Accounts and other
13 workforce development strategies for: the Minority Teacher
14 Education Scholars program, the Certified Teacher-Aide
15 program, the Self-Employment Institute, and other training
16 designed and tailored by Workforce Florida, Inc., including,
17 but not limited to, programs for incumbent workers, displaced
18 homemakers, nontraditional employment, empowerment zones, and
19 enterprise zones. Workforce Florida, Inc., shall design,
20 adopt, and fund Individual Training Accounts for distressed
21 urban and rural communities.

22 3. The Incumbent Worker Training Program is created
23 for the purpose of providing grant funding for continuing
24 education and training of incumbent employees at existing
25 Florida businesses. The program will provide reimbursement
26 grants to businesses that pay for preapproved, direct,
27 training-related costs.

28 a. The Incumbent Worker Training Program will be
29 administered by Workforce Florida, Inc. Workforce Florida,
30 Inc., at its discretion, may contract with a private business
31 organization to serve as grant administrator.

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1 b. To be eligible for the program's grant funding, a
2 business must have been in operation in Florida for a minimum
3 of 1 year prior to the application for grant funding; have at
4 least one full-time employee; demonstrate financial viability;
5 and be current on all state tax obligations. Priority for
6 funding shall be given to businesses with 25 employees or
7 fewer, businesses in rural areas, businesses in distressed
8 inner-city areas, businesses in a qualified targeted industry,
9 businesses whose grant proposals represent a significant
10 upgrade in employee skills, or businesses whose grant
11 proposals represent a significant layoff avoidance strategy.

12 c. All costs reimbursed by the program must be
13 preapproved by Workforce Florida, Inc., or the grant
14 administrator. The program will not reimburse businesses for
15 trainee wages, the purchase of capital equipment, or the
16 purchase of any item or service that may possibly be used
17 outside the training project. A business approved for a grant
18 may be reimbursed for preapproved, direct, training-related
19 costs including tuition and fees; books and classroom
20 materials; and overhead or indirect costs not to exceed 5
21 percent of the grant amount.

22 d. A business that is selected to receive grant
23 funding must provide a matching contribution to the training
24 project, including, but not limited to, wages paid to trainees
25 or the purchase of capital equipment used in the training
26 project; must sign an agreement with Workforce Florida, Inc.,
27 or the grant administrator to complete the training project as
28 proposed in the application; must keep accurate records of the
29 project's implementation process; and must submit monthly or
30 quarterly reimbursement requests with required documentation.

31 e. All Incumbent Worker Training Program grant

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1 projects shall be performance-based with specific measurable
2 performance outcomes, including completion of the training
3 project and job retention. Workforce Florida, Inc., or the
4 grant administrator shall withhold the final payment to the
5 grantee until a final grant report is submitted and all
6 performance criteria specified in the grant contract have been
7 achieved.

8 f. Workforce Florida, Inc., may establish guidelines
9 necessary to implement the Incumbent Worker Training Program.

10 g. No more than 10 percent of the Incumbent Worker
11 Training Program's total appropriation may be used for
12 overhead or indirect purposes.

13 h. Workforce Florida, Inc., shall submit a report to
14 the Legislature on the financial and general operations of the
15 Incumbent Worker Training Program as part of its annual report
16 submitted pursuant to s. 445.004. Such report will be due
17 before October 1 of any fiscal year for which the program is
18 funded by the Legislature.

19 4. At least 50 percent of Rapid Response funding shall
20 be dedicated to Intensive Services Accounts and Individual
21 Training Accounts for dislocated workers and incumbent workers
22 who are at risk of dislocation. Workforce Florida, Inc., shall
23 also maintain an Emergency Preparedness Fund from Rapid
24 Response funds which will immediately issue Intensive Service
25 Accounts and Individual Training Accounts as well as other
26 federally authorized assistance to eligible victims of natural
27 or other disasters. At the direction of the Governor, for
28 events that qualify under federal law, these Rapid Response
29 funds shall be released to regional workforce boards for
30 immediate use. Funding shall also be dedicated to maintain a
31 unit at the state level to respond to Rapid Response

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1 emergencies around the state, to work with state emergency
2 management officials, and to work with regional workforce
3 boards. All Rapid Response funds must be expended based on a
4 plan developed by Workforce Florida, Inc., and approved by the
5 Governor.

6 Section 143. Paragraph (a) of subsection (3) of
7 section 445.004, Florida Statutes, is amended to read:

8 445.004 Workforce Florida, Inc.; creation; purpose;
9 membership; duties and powers.--

10 (3)(a) Workforce Florida, Inc., shall be governed by a
11 board of directors, the number of directors to be determined
12 by the Governor, whose membership and appointment must be
13 consistent with Pub. L. No. 105-220, Title I, s. 111(b), and
14 contain one member representing the licensed nonpublic
15 postsecondary educational institutions authorized as
16 individual training account providers, one member from the
17 staffing service industry, at least one member who is a
18 current or former recipient of welfare transition services as
19 defined in s. 445.002(3) or workforce services as provided in
20 s. 445.009(1), and five representatives of organized labor who
21 shall be appointed by the Governor. ~~Notwithstanding s.~~

22 ~~114.05(1)(f), the Governor may appoint remaining members to~~
23 ~~Workforce Florida, Inc., from the current Workforce~~
24 ~~Development Board and the WAGES Program State Board of~~
25 ~~Directors, established pursuant to chapter 96-175, Laws of~~
26 ~~Florida, to serve on the reconstituted board. By July 1, 2000,~~
27 ~~the Workforce Development Board will provide to the Governor a~~
28 ~~transition plan to incorporate the changes required by this~~
29 ~~act and Pub. L. No. 105-220, specifying the manner of changes~~
30 ~~to the board. This plan shall govern the transition, unless~~
31 ~~otherwise notified by the Governor. The importance of~~

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1 minority, gender, and geographic representation shall be
2 considered when making appointments to the board.

3 Section 144. Subsection (1) of section 445.006,
4 Florida Statutes, is amended to read:

5 445.006 Strategic plan for workforce development.--

6 (1) Workforce Florida, Inc., in conjunction with state
7 and local partners in the workforce system, shall develop a
8 strategic plan for workforce, with the goal of producing
9 skilled employees for employers in the state. ~~The strategic~~
10 ~~plan shall be submitted to the Governor, the President of the~~
11 ~~Senate, and the Speaker of the House of Representatives by~~
12 ~~February 1, 2001.~~ The strategic plan shall be updated or
13 modified by January 1 of each year ~~thereafter~~. The plan must
14 include, but need not be limited to, strategies for:

15 (a) Fulfilling the workforce system goals and
16 strategies prescribed in s. 445.004;

17 (b) Aggregating, integrating, and leveraging workforce
18 system resources;

19 (c) Coordinating the activities of federal, state, and
20 local workforce system partners;

21 (d) Addressing the workforce needs of small
22 businesses; and

23 (e) Fostering the participation of rural communities
24 and distressed urban cores in the workforce system.

25 Section 145. Section 446.27, Florida Statutes, is
26 repealed.

27 Section 146. Paragraphs (a) and (c) of subsection (4)
28 of section 446.50, Florida Statutes, are amended to read:

29 446.50 Displaced homemakers; multiservice programs;
30 report to the Legislature; Displaced Homemaker Trust Fund
31 created.--

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1 (4) STATE PLAN.--

2 (a) The Agency for Workforce Innovation shall develop
3 a 3-year state plan for the displaced homemaker program which
4 shall be updated annually and submitted to the Legislature by
5 January 1. The plan must address, at a minimum, the need for
6 programs specifically designed to serve displaced homemakers,
7 any necessary service components for such programs in addition
8 to those enumerated in this section, goals of the displaced
9 homemaker program with an analysis of the extent to which
10 those goals are being met, and recommendations for ways to
11 address any unmet program goals. Any request for funds for
12 program expansion must be based on the state plan.

13 ~~(c) The 3-year state plan must be submitted to the~~
14 ~~President of the Senate, the Speaker of the House of~~
15 ~~Representatives, and the Governor on or before January 1,~~
16 ~~2001, and annual updates of the plan must be submitted by~~
17 ~~January 1 of each subsequent year.~~

18 Section 147. Section 455.204, Florida Statutes, is
19 repealed.

20 Section 148. Subsection (8) of section 455.2226,
21 Florida Statutes, is repealed.

22 Section 149. Subsection (6) of section 455.2228,
23 Florida Statutes, is repealed.

24 Section 150. Subsection (9) of section 456.025,
25 Florida Statutes, is amended to read:

26 456.025 Fees; receipts; disposition.--

27 (9) The department shall provide a ~~condensed~~
28 management report of revenues and expenditures ~~budgets,~~
29 ~~finances,~~ performance measures ~~statistics,~~ and recommendations
30 to each board at least once a quarter. ~~The department shall~~
31 ~~identify and include in such presentations any changes, or~~

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1 ~~projected changes, made to the board's budget since the last~~
2 ~~presentation.~~

3 Section 151. Subsection (5) of section 456.031,
4 Florida Statutes, is repealed.

5 Section 152. Subsection (8) of section 456.033,
6 Florida Statutes, is repealed.

7 Section 153. Subsection (6) of section 456.034,
8 Florida Statutes, is repealed.

9 Section 154. Subsections (3) and (4) of section
10 517.302, Florida Statutes, are amended to read:

11 517.302 Criminal penalties; alternative fine;
12 Anti-Fraud Trust Fund; time limitation for criminal
13 prosecution.--

14 (3) In lieu of a fine otherwise authorized by law, a
15 person who has been convicted of or who has pleaded guilty or
16 no contest to having engaged in conduct in violation of the
17 provisions of this chapter may be sentenced to pay a fine that
18 does not exceed the greater of three times the gross value
19 gained or three times the gross loss caused by such conduct,
20 plus court costs and the costs of investigation and
21 prosecution reasonably incurred.

22 ~~(4)(a)~~ There is created within the office a trust fund
23 to be known as the Anti-Fraud Trust Fund. Any amounts
24 assessed as costs of investigation and prosecution under this
25 subsection shall be deposited in the trust fund. Funds
26 deposited in such trust fund shall be used, when authorized by
27 appropriation, for investigation and prosecution of
28 administrative, civil, and criminal actions arising under the
29 provisions of this chapter. Funds may also be used to improve
30 the public's awareness and understanding of prudent investing.

31 ~~(b) The office shall report to the Executive Office of~~

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~~the Governor annually by November 15, the amounts deposited into the Anti-Fraud Trust Fund during the previous fiscal year. The Executive Office of the Governor shall distribute these reports to the President of the Senate and the Speaker of the House of Representatives.~~

~~(5)(4)~~ Criminal prosecution for offenses under this chapter is subject to the time limitations of s. 775.15.

Section 155. Section 526.3135, Florida Statutes, is repealed.

Section 156. Subsection (3) of section 531.415, Florida Statutes, is repealed.

Section 157. Section 553.975, Florida Statutes, is repealed.

Section 158. Subsection (3) of section 570.0705, Florida Statutes, is repealed.

Section 159. Subsection (5) of section 570.0725, Florida Statutes, is repealed.

Section 160. Subsection (3) of section 570.235, Florida Statutes, is repealed.

Section 161. Subsection (3) of section 570.543, Florida Statutes, is repealed.

Section 162. Subsection (5) of section 570.952, Florida Statutes, is repealed.

Section 163. Section 603.204, Florida Statutes, is amended to read:

603.204 South Florida Tropical Fruit Plan.--

~~(1)~~ The Commissioner of Agriculture, in consultation with the Tropical Fruit Advisory Council, shall develop and update, at least 90 days prior to the 1991 legislative session, submit to the President of the Senate, the Speaker of the House of Representatives, and the chairs of appropriate

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1 ~~Senate and House of Representatives committees,~~ a South
2 Florida Tropical Fruit Plan, which shall identify problems and
3 constraints of the tropical fruit industry, propose possible
4 solutions to such problems, and develop planning mechanisms
5 for orderly growth of the industry, including:

6 (1)~~(a)~~ Criteria for tropical fruit research, service,
7 and management priorities.

8 (2)~~(b)~~ ~~Additional~~ Proposed legislation that ~~which~~ may
9 be required.

10 (3)~~(c)~~ Plans relating to other tropical fruit programs
11 and related disciplines in the State University System.

12 (4)~~(d)~~ Potential tropical fruit products in terms of
13 market and needs for development.

14 (5)~~(e)~~ Evaluation of production and fresh fruit policy
15 alternatives, including, but not limited to, setting minimum
16 grades and standards, promotion and advertising, development
17 of production and marketing strategies, and setting minimum
18 standards on types and quality of nursery plants.

19 (6)~~(f)~~ Evaluation of policy alternatives for processed
20 tropical fruit products, including, but not limited to,
21 setting minimum quality standards and development of
22 production and marketing strategies.

23 (7)~~(g)~~ Research and service priorities for further
24 development of the tropical fruit industry.

25 (8)~~(h)~~ Identification of state agencies and public and
26 private institutions concerned with research, education,
27 extension, services, planning, promotion, and marketing
28 functions related to tropical fruit development, and
29 delineation of contributions and responsibilities. The
30 recommendations in the ~~South Florida Tropical Fruit plan~~

31 relating to education or research shall be submitted to the

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1 Institute of Food and Agricultural Sciences. ~~The~~
2 ~~recommendations relating to regulation or marketing shall be~~
3 ~~submitted to the Department of Agriculture and Consumer~~
4 ~~Services.~~

5 ~~(9)(i)~~ Business planning, investment potential,
6 financial risks, and economics of production and utilization.

7 ~~(2) A revision and update of the South Florida~~
8 ~~Tropical Fruit Plan shall be submitted biennially, and a~~
9 ~~progress report and budget request shall be submitted~~
10 ~~annually, to the officials specified in subsection (1).~~

11 Section 164. Subsection (2) of section 744.7021,
12 Florida Statutes, is amended to read:

13 744.7021 Statewide Public Guardianship Office.--There
14 is hereby created the Statewide Public Guardianship Office
15 within the Department of Elderly Affairs.

16 (2) The executive director shall, within available
17 resources, have oversight responsibilities for all public
18 guardians.

19 (a) The executive director shall review the current
20 public guardian programs in Florida and other states.

21 (b) The executive director, in consultation with local
22 guardianship offices, shall develop statewide performance
23 measures and standards.

24 (c) The executive director shall review the various
25 methods of funding guardianship programs, the kinds of
26 services being provided by such programs, and the demographics
27 of the wards. In addition, the executive director shall review
28 and make recommendations regarding the feasibility of
29 recovering a portion or all of the costs of providing public
30 guardianship services from the assets or income of the wards.

31 ~~(d) By January 1, 2004, and by January 1 of each year~~

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1 ~~thereafter, the executive director shall provide a status~~
2 ~~report and provide further recommendations to the secretary~~
3 ~~that address the need for public guardianship services and~~
4 ~~related issues.~~

5 (d)~~(e)~~ The executive director may provide assistance
6 to local governments or entities in pursuing grant
7 opportunities. The executive director shall evaluate ~~review~~
8 and make recommendations ~~in the annual report~~ on the
9 availability and efficacy of seeking Medicaid matching funds.
10 The executive director shall diligently seek ways to use
11 existing programs and services to meet the needs of public
12 wards.

13 (e)~~(f)~~ The executive director, in consultation with
14 the Florida Guardianship Foundation, shall develop a
15 guardianship training program curriculum that may be offered
16 to all guardians whether public or private.

17 (f) The executive director shall provide an annual
18 status report to the secretary which includes policy and
19 legislative recommendations relating to the provision of
20 public guardianship.

21 Section 165. Subsections (5) and (7) of section
22 744.708, Florida Statutes, are amended to read:

23 744.708 Reports and standards.--

24 (5) An independent audit of each public guardian
25 office by a qualified certified public accountant shall be
26 conducted by a qualified certified public accountant ~~performed~~
27 at least every 2 years. The audit should include an
28 investigation into the practices of the office for managing
29 the person and property of the wards. A copy of the report
30 shall be submitted to the Statewide Public Guardianship
31 Office. ~~In addition, the office of public guardian shall be~~

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~~subject to audits or examinations by the Auditor General and the Office of Program Policy Analysis and Government Accountability pursuant to law.~~

(7) The ratio for professional staff to wards shall be 1 professional to 40 wards. The Statewide Public Guardianship Office may increase or decrease the ratio after consultation with the local public guardian and the chief judge of the circuit court. ~~The basis of the decision to increase or decrease the prescribed ratio shall be reported in the annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court.~~

Section 166. Subsection (3) of section 765.5215, Florida Statutes, is repealed.

Section 167. Subsection (6) of section 768.295, Florida Statutes, is amended to read:

768.295 Strategic Lawsuits Against Public Participation (SLAPP) suits by governmental entities prohibited.--

(6) In any case filed by a governmental entity which is found by a court to be in violation of this section, the governmental entity shall report such finding and provide a copy of the court's order to the Attorney General no later than 30 days after such order is final. The Attorney General shall maintain a record of court orders provided by the governmental entities found to be in violation of this section ~~report any violation of this section by a governmental entity to the Cabinet, the President of the Senate, and the Speaker of the House of Representatives. A copy of such report shall be provided to the affected governmental entity.~~

Section 168. Paragraph (c) of subsection (3) of

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1 section 775.084, Florida Statutes, is amended to read:

2 775.084 Violent career criminals; habitual felony
3 offenders and habitual violent felony offenders; three-time
4 violent felony offenders; definitions; procedure; enhanced
5 penalties or mandatory minimum prison terms.--

6 (3)

7 (c) In a separate proceeding, the court shall
8 determine whether the defendant is a violent career criminal
9 with respect to a primary offense committed on or after
10 October 1, 1995. The procedure shall be as follows:

11 1. Written notice shall be served on the defendant and
12 the defendant's attorney a sufficient time prior to the entry
13 of a plea or prior to the imposition of sentence in order to
14 allow the preparation of a submission on behalf of the
15 defendant.

16 2. All evidence presented shall be presented in open
17 court with full rights of confrontation, cross-examination,
18 and representation by counsel.

19 3. Each of the findings required as the basis for such
20 sentence shall be found to exist by a preponderance of the
21 evidence and shall be appealable only as provided in paragraph
22 (d).

23 4. For the purpose of identification, the court shall
24 fingerprint the defendant pursuant to s. 921.241.

25 ~~5. For an offense committed on or after October 1,~~
26 ~~1995, if the state attorney pursues a violent career criminal~~
27 ~~sanction against the defendant and the court, in a separate~~
28 ~~proceeding pursuant to this paragraph, determines that the~~
29 ~~defendant meets the criteria under subsection (1) for imposing~~
30 ~~such sanction, the court must sentence the defendant as a~~
31 ~~violent career criminal, subject to imprisonment pursuant to~~

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~~1 this section unless the court finds that such sentence is not
2 necessary for the protection of the public. If the court
3 finds that it is not necessary for the protection of the
4 public to sentence the defendant as a violent career criminal,
5 the court shall provide written reasons; a written transcript
6 of orally stated reasons is permissible, if filed by the court
7 within 7 days after the date of sentencing. Each month, the
8 court shall submit to the Office of Economic and Demographic
9 Research of the Legislature the written reasons or transcripts
10 in each case in which the court determines not to sentence a
11 defendant as a violent career criminal as provided in this
12 subparagraph.~~

13 Section 169. Subsection (8) of section 790.22, Florida
14 Statutes, is amended to read:

15 790.22 Use of BB guns, air or gas-operated guns, or
16 electric weapons or devices by minor under 16; limitation;
17 possession of firearms by minor under 18 prohibited;
18 penalties.--

19 (8) Notwithstanding s. 985.213 or s. 985.215(1), if a
20 minor under 18 years of age is charged with an offense that
21 involves the use or possession of a firearm, as defined in s.
22 790.001, including a violation of subsection (3), or is
23 charged for any offense during the commission of which the
24 minor possessed a firearm, the minor shall be detained in
25 secure detention, unless the state attorney authorizes the
26 release of the minor, and shall be given a hearing within 24
27 hours after being taken into custody. At the hearing, the
28 court may order that the minor continue to be held in secure
29 detention in accordance with the applicable time periods
30 specified in s. 985.215(5), if the court finds that the minor
31 meets the criteria specified in s. 985.215(2), or if the court

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1 finds by clear and convincing evidence that the minor is a
 2 clear and present danger to himself or herself or the
 3 community. The Department of Juvenile Justice shall prepare a
 4 form for all minors charged under this subsection that states
 5 the period of detention and the relevant demographic
 6 information, including, but not limited to, the sex, age, and
 7 race of the minor; whether or not the minor was represented by
 8 private counsel or a public defender; the current offense; and
 9 the minor's complete prior record, including any pending
 10 cases. The form shall be provided to the judge to be
 11 considered when determining whether the minor should be
 12 continued in secure detention under this subsection. An order
 13 placing a minor in secure detention because the minor is a
 14 clear and present danger to himself or herself or the
 15 community must be in writing, must specify the need for
 16 detention and the benefits derived by the minor or the
 17 community by placing the minor in secure detention, and must
 18 include a copy of the form provided by the department. ~~The~~
 19 ~~Department of Juvenile Justice must send the form, including a~~
 20 ~~copy of any order, without client-identifying information, to~~
 21 ~~the Office of Economic and Demographic Research.~~

22 Section 170. Subsection (3) of section 943.08, Florida
 23 Statutes, is repealed.

24 Section 171. Subsection (2) of section 943.125,
 25 Florida Statutes, is repealed.

26 Section 172. Subsection (9) of section 943.68, Florida
 27 Statutes, is amended to read:

28 943.68 Transportation and protective services.--

29 (9) The department shall submit reports annually on
 30 July 15 and January 15 of each year to the ~~President of the~~
 31 ~~Senate, Speaker of the House of Representatives, Governor, the~~

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1 Legislature, and ~~members of the~~ Cabinet, detailing all
2 transportation and protective services provided under
3 subsections (1), (5), and (6) within the preceding fiscal year
4 ~~6 months~~. Each report shall include a detailed accounting of
5 the cost of such transportation and protective services,
6 including the names of persons provided such services and the
7 nature of state business performed.

8 Section 173. Paragraph (f) of subsection (3) of
9 section 944.801, Florida Statutes, is amended to read:

10 944.801 Education for state prisoners.--

11 (3) The responsibilities of the Correctional Education
12 Program shall be to:

13 (f) Report annual activities to the Secretary of
14 Corrections, ~~the Commissioner of Education, the Governor, and~~
15 ~~the Legislature~~.

16 Section 174. Subsection (10) of section 945.35,
17 Florida Statutes, is repealed.

18 Section 175. Paragraph (d) of subsection (8) of
19 section 948.10, Florida Statutes, is repealed.

20 Section 176. Subsection (9) of section 958.045,
21 Florida Statutes, is repealed.

22 Section 177. Paragraph (c) of subsection (1) of
23 section 960.045, Florida Statutes, is amended to read:

24 960.045 Department of Legal Affairs; powers and
25 duties.--It shall be the duty of the department to assist
26 persons who are victims of crime.

27 (1) The department shall:

28 (c) Prepare an annual ~~Render, prior to January 1 of~~
29 ~~each year, to the presiding officers of the Senate and House~~
30 ~~of Representatives a~~ written report of the activities of the
31 Crime Victims' Services Office, which shall be available on

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1 the department's Internet website.

2 Section 178. Paragraph (c) of subsection (8) of
3 section 985.02, Florida Statutes, is repealed.

4 Section 179. Subsections (3), (4), and (5) of section
5 985.08, Florida Statutes, are amended to read:

6 985.08 Information systems.--

7 ~~(3) In order to assist in the integration of the~~
8 ~~information to be shared, the sharing of information obtained,~~
9 ~~the joint planning on diversion and early intervention~~
10 ~~strategies for juveniles at risk of becoming serious habitual~~
11 ~~juvenile offenders, and the intervention strategies for~~
12 ~~serious habitual juvenile offenders, a multiagency task force~~
13 ~~should be organized and utilized by the law enforcement agency~~
14 ~~or county in conjunction with the initiation of the~~
15 ~~information system described in subsections (1) and (2). The~~
16 ~~multiagency task force shall be composed of representatives of~~
17 ~~those agencies and persons providing information for the~~
18 ~~central identification file and the multiagency information~~
19 ~~sheet.~~

20 ~~(4) This multiagency task force shall develop a plan~~
21 ~~for the information system that includes measures which~~
22 ~~identify and address any disproportionate representation of~~
23 ~~ethnic or racial minorities in the information systems and~~
24 ~~shall develop strategies that address the protection of~~
25 ~~individual constitutional rights.~~

26 (3)(5) Any law enforcement agency, or county which
27 implements a juvenile offender information system ~~and the~~
28 ~~multiagency task force which maintain the information system~~
29 must annually provide any information gathered during the
30 previous year to the delinquency and gang prevention council
31 of the judicial circuit in which the county is located. This

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1 information shall include the number, types, and patterns of
2 delinquency tracked by the juvenile offender information
3 system.

4 Section 180. Subsections (2) and (3) of section
5 985.3045, Florida Statutes, are amended to read:

6 985.3045 Prevention service program; monitoring;
7 report; uniform performance measures.--

8 ~~(2) No later than January 31, 2001, the prevention~~
9 ~~service program shall submit a report to the Governor, the~~
10 ~~Speaker of the House, and the President of the Senate~~
11 ~~concerning the implementation of a statewide multiagency plan~~
12 ~~to coordinate the efforts of all state-funded programs,~~
13 ~~grants, appropriations, or activities that are designed to~~
14 ~~prevent juvenile crime, delinquency, gang membership, or~~
15 ~~status offense behaviors and all state-funded programs,~~
16 ~~grants, appropriations, or activities that are designed to~~
17 ~~prevent a child from becoming a "child in need of services,"~~
18 ~~as defined in chapter 984. The report shall include a~~
19 ~~proposal for a statewide coordinated multiagency juvenile~~
20 ~~delinquency prevention policy. In preparing the report, the~~
21 ~~department shall coordinate with and receive input from each~~
22 ~~state agency or entity that receives or uses state~~
23 ~~appropriations to fund programs, grants, appropriations, or~~
24 ~~activities that are designed to prevent juvenile crime,~~
25 ~~delinquency, gang membership, status offense, or that are~~
26 ~~designed to prevent a child from becoming a "child in need of~~
27 ~~services," as defined in chapter 984. The report shall~~
28 ~~identify whether legislation will be needed to effect a~~
29 ~~statewide plan to coordinate the efforts of all state-funded~~
30 ~~programs, grants, appropriations, or activities that are~~
31 ~~designed to prevent juvenile crime, delinquency, gang~~

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~~membership, or status offense behaviors and all state-funded programs, grants, appropriations, or activities that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984. The report shall consider the potential impact of requiring such state-funded efforts to target at least one of the following strategies designed to prevent youth from entering or reentering the juvenile justice system and track the associated outcome data:~~

~~(a) Encouraging youth to attend school, which may include special assistance and tutoring to address deficiencies in academic performance; outcome data to reveal the number of days youth attended school while participating in the program.~~

~~(b) Engaging youth in productive and wholesome activities during nonschool hours that build positive character or instill positive values, or that enhance educational experiences; outcome data to reveal the number of youth who are arrested during nonschool hours while participating in the program.~~

~~(c) Encouraging youth to avoid the use of violence; outcome data to reveal the number of youth who are arrested for crimes involving violence while participating in the program.~~

~~(d) Assisting youth to acquire skills needed to find meaningful employment, which may include assistance in finding a suitable employer for the youth; outcome data to reveal the number of youth who obtain and maintain employment for at least 180 days.~~

~~The department is encouraged to identify additional strategies which may be relevant to preventing youth from becoming~~

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1 ~~children in need of services and to preventing juvenile crime,~~
2 ~~delinquency, gang membership and status offense behaviors.~~
3 ~~The report shall consider the feasibility of developing~~
4 ~~uniform performance measures and methodology for collecting~~
5 ~~such outcome data to be utilized by all state-funded programs,~~
6 ~~grants, appropriations, or activities that are designed to~~
7 ~~prevent juvenile crime, delinquency, gang membership, or~~
8 ~~status offense behaviors and all state-funded programs,~~
9 ~~grants, appropriations, or activities that are designed to~~
10 ~~prevent a child from becoming a "child in need of services,"~~
11 ~~as defined in chapter 984. The prevention service program is~~
12 ~~encouraged to identify other issues that may be of critical~~
13 ~~importance to preventing a child from becoming a child in need~~
14 ~~of services, as defined in chapter 984, or to preventing~~
15 ~~juvenile crime, delinquency, gang membership, or status~~
16 ~~offense behaviors.~~

17 ~~(2)(3)~~ The department shall expend funds related to
18 the prevention of juvenile delinquency in a manner consistent
19 with the policies expressed in ss. 984.02 and 985.02. The
20 department shall expend said funds in a manner that maximizes
21 public accountability and ensures the documentation of
22 outcomes.

23 ~~(a) All entities that receive or use state moneys to~~
24 ~~fund juvenile delinquency prevention services through~~
25 ~~contracts or grants with the department shall design the~~
26 ~~programs providing such services to further one or more of the~~
27 ~~strategies specified in paragraphs (2)(a)-(d).~~

28 ~~(b) The department shall develop an outcome measure~~
29 ~~for each program strategy specified in paragraphs (2)(a)-(d)~~
30 ~~that logically relates to the risk factor addressed by the~~
31 ~~strategy.~~

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1 ~~(c)~~ All entities that receive or use state moneys to
2 fund the juvenile delinquency prevention services through
3 contracts or grants with the department shall, as a condition
4 of receipt of state funds, provide the department with
5 personal demographic information concerning all participants
6 in the service sufficient to allow the department to verify
7 criminal or delinquent history information, school attendance
8 or academic information, employment information, or other
9 requested performance information.

10 Section 181. Section 985.3046, Florida Statutes, is
11 repealed.

12 Section 182. Subsection (5) of section 985.305,
13 Florida Statutes, is repealed.

14 Section 183. Subsection (9) of section 985.309,
15 Florida Statutes, is amended to read:

16 985.309 Boot camp for children.--

17 (9) If a department-operated boot camp fails to pass
18 the department's quarterly inspection and evaluation, the
19 department must take necessary and sufficient steps to ensure
20 and document program changes to achieve compliance with
21 department rules. If the department-operated boot camp fails
22 to achieve compliance with department rules within 3 months
23 and if there are no documented extenuating circumstances, the
24 department may take ~~must notify the Executive Office of the~~
25 ~~Governor and the Legislature of the~~ corrective action ~~taken~~.
26 Appropriate corrective action may include, but is not limited
27 to:

28 (a) Contracting out for the operation of the boot
29 camp;

30 (b) Initiating appropriate disciplinary action against
31 all employees whose conduct or performance is deemed to have

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1 materially contributed to the program's failure to meet
2 department rules;

3 (c) Redesigning the program; or
4 (d) Realigning the program.

5 Section 184. Paragraph (a) of subsection (1) of
6 section 985.31, Florida Statutes, is amended to read:

7 985.31 Serious or habitual juvenile offender.--

8 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to
9 the provisions of this chapter and the establishment of
10 appropriate program guidelines and standards, contractual
11 instruments, which shall include safeguards of all
12 constitutional rights, shall be developed as follows:

13 (a) The department shall provide for:

14 1. The oversight of implementation of assessment and
15 treatment approaches.

16 2. The identification and prequalification of
17 appropriate individuals or not-for-profit organizations,
18 including minority individuals or organizations when possible,
19 to provide assessment and treatment services to serious or
20 habitual delinquent children.

21 3. The monitoring and evaluation of assessment and
22 treatment services for compliance with the provisions of this
23 chapter and all applicable rules and guidelines pursuant
24 thereto.

25 ~~4. The development of an annual report on the~~
26 ~~performance of assessment and treatment to be presented to the~~
27 ~~Governor, the Attorney General, the President of the Senate,~~
28 ~~the Speaker of the House of Representatives, and the Auditor~~
29 ~~General no later than January 1 of each year.~~

30 Section 185. Paragraph (a) of subsection (1) of
31 section 985.311, Florida Statutes, is amended to read:

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1 985.311 Intensive residential treatment program for
2 offenders less than 13 years of age.--

3 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to
4 the provisions of this chapter and the establishment of
5 appropriate program guidelines and standards, contractual
6 instruments, which shall include safeguards of all
7 constitutional rights, shall be developed for intensive
8 residential treatment programs for offenders less than 13
9 years of age as follows:

10 (a) The department shall provide for:

11 1. The oversight of implementation of assessment and
12 treatment approaches.

13 2. The identification and prequalification of
14 appropriate individuals or not-for-profit organizations,
15 including minority individuals or organizations when possible,
16 to provide assessment and treatment services to intensive
17 offenders less than 13 years of age.

18 3. The monitoring and evaluation of assessment and
19 treatment services for compliance with the provisions of this
20 chapter and all applicable rules and guidelines pursuant
21 thereto.

22 ~~4. The development of an annual report on the~~
23 ~~performance of assessment and treatment to be presented to the~~
24 ~~Governor, the Attorney General, the President of the Senate,~~
25 ~~the Speaker of the House of Representatives, the Auditor~~
26 ~~General, and the Office of Program Policy Analysis and~~
27 ~~Government Accountability no later than January 1 of each~~
28 ~~year.~~

29 Section 186. Subsection (1) of section 985.3155,
30 Florida Statutes, is amended to read:

31 985.3155 Multiagency plan for vocational education.--

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(1) The Department of Juvenile Justice and the Department of Education shall, in consultation with the statewide Workforce Development Youth Council, school districts, providers, and others, jointly develop a multiagency plan for vocational education that establishes the curriculum, goals, and outcome measures for vocational programs in juvenile commitment facilities. The plan must include:

(a) Provisions for maximizing appropriate state and federal funding sources, including funds under the Workforce Investment Act and the Perkins Act;

(b) The responsibilities of both departments and all other appropriate entities; and

(c) A detailed implementation schedule.

~~The plan must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by May 1, 2001.~~

Section 187. Section 985.403, Florida Statutes, is repealed.

Section 188. Subsection (7) of section 985.412, Florida Statutes, is repealed.

Section 189. Subsection (4) of section 1003.492, Florida Statutes, is repealed.

Section 190. Section 1006.0605, Florida Statutes, is repealed.

Section 191. Subsection (8) of section 1011.32, Florida Statutes, is amended to read:

1011.32 Community College Facility Enhancement Challenge Grant Program.--

(8) By September 1 of each year, the State Board of

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1 Education shall transmit to the Governor and Legislature a
2 list of projects which meet all eligibility requirements to
3 participate in the Community College Facility Enhancement
4 Challenge Grant Program and a budget request which includes
5 the recommended schedule necessary to complete each project.

6 Section 192. Subsection (5) of section 1011.4105,
7 Florida Statutes, is repealed.

8 Section 193. Subsection (13) of section 1013.03,
9 Florida Statutes, is repealed.

10 Section 194. Paragraph (g) of subsection (1) of
11 section 370.12, Florida Statutes, is amended to read:

12 370.12 Marine animals; regulation.--

13 (1) PROTECTION OF MARINE TURTLES.--

14 (g) The Department of Environmental Protection may
15 condition the nature, timing, and sequence of construction of
16 permitted activities to provide protection to nesting marine
17 turtles and hatchlings and their habitat pursuant to s.

18 161.053(4) ~~the provisions of s. 161.053(5)~~. When the

19 department is considering a permit for a beach restoration,
20 beach renourishment, or inlet sand transfer project and the
21 applicant has had an active marine turtle nest relocation
22 program or the applicant has agreed to and has the ability to
23 administer a program, the department must not restrict the
24 timing of the project. Where appropriate, the department, in
25 accordance with the applicable rules of the Fish and Wildlife
26 Conservation Commission, shall require as a condition of the
27 permit that the applicant relocate and monitor all turtle
28 nests that would be affected by the beach restoration, beach
29 renourishment, or sand transfer activities. Such relocation
30 and monitoring activities shall be conducted in a manner that

31 ensures successful hatching. This limitation on the

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1 department's authority applies only on the Atlantic coast of
2 Florida.

3 Section 195. Paragraph (d) of subsection (2) of
4 section 372.672, Florida Statutes, is amended to read:

5 372.672 Florida Panther Research and Management Trust
6 Fund.--

7 (2) Money from the fund shall be spent only for the
8 following purposes:

9 ~~(d) To fund and administer education programs~~
10 ~~authorized in s. 372.674.~~

11 Section 196. Subsections (1) and (2) of section
12 409.91196, Florida Statutes, are amended to read:

13 409.91196 Supplemental rebate agreements;
14 confidentiality of records and meetings.--

15 (1) Trade secrets, rebate amount, percent of rebate,
16 manufacturer's pricing, and supplemental rebates which are
17 contained in records of the Agency for Health Care
18 Administration and its agents with respect to supplemental
19 rebate negotiations and which are prepared pursuant to a
20 supplemental rebate agreement under s. 409.912(38)(a)7. ~~s.~~
21 ~~409.912(40)(a)7.~~ are confidential and exempt from s. 119.07
22 and s. 24(a), Art. I of the State Constitution.

23 (2) Those portions of meetings of the Medicaid
24 Pharmaceutical and Therapeutics Committee at which trade
25 secrets, rebate amount, percent of rebate, manufacturer's
26 pricing, and supplemental rebates are disclosed for discussion
27 or negotiation of a supplemental rebate agreement under s.
28 409.912(38)(a)7. ~~s. 409.912(40)(a)7.~~ are exempt from s.
29 286.011 and s. 24(b), Art. I of the State Constitution.

30 Section 197. Paragraph (d) of subsection (5) of
31 section 411.01, Florida Statutes, as amended by section 2 of

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1 chapter 2004-484, Laws of Florida, is amended to read:

2 411.01 School readiness programs; early learning
3 coalitions.--

4 (5) CREATION OF EARLY LEARNING COALITIONS.--

5 (d) Implementation.--

6 1. An early learning coalition may not implement the
7 school readiness program until the coalition is authorized
8 through approval of the coalition's school readiness plan by
9 the Agency for Workforce Innovation.

10 2. Each early learning coalition shall develop a plan
11 for implementing the school readiness program to meet the
12 requirements of this section and the performance standards and
13 outcome measures adopted by the Agency for Workforce
14 Innovation. The plan must demonstrate how the program will
15 ensure that each 3-year-old and 4-year-old child in a publicly
16 funded school readiness program receives scheduled activities
17 and instruction designed to enhance the age-appropriate
18 progress of the children in attaining the performance
19 standards adopted by the Agency for Workforce Innovation under
20 subparagraph (4)(d)8. Before implementing the school readiness
21 program, the early learning coalition must submit the plan to
22 the Agency for Workforce Innovation for approval. The Agency
23 for Workforce Innovation may approve the plan, reject the
24 plan, or approve the plan with conditions. The Agency for
25 Workforce Innovation shall review school readiness plans at
26 least annually.

27 3. If the Agency for Workforce Innovation determines
28 during the annual review of school readiness plans, or through
29 monitoring and performance evaluations conducted under
30 paragraph (4)(1), that an early learning coalition has not
31 substantially implemented its plan, has not substantially met

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1 the performance standards and outcome measures adopted by the
2 agency, or has not effectively administered the school
3 readiness program or Voluntary Prekindergarten Education
4 Program, the Agency for Workforce Innovation may dissolve the
5 coalition and temporarily contract with a qualified entity to
6 continue school readiness and prekindergarten services in the
7 coalition's county or multicounty region until the coalition
8 is reestablished through resubmission of a school readiness
9 plan and approval by the agency.

10 4. The Agency for Workforce Innovation shall adopt
11 criteria for the approval of school readiness plans. The
12 criteria must be consistent with the performance standards and
13 outcome measures adopted by the agency and must require each
14 approved plan to include the following minimum standards and
15 provisions:

16 a. A sliding fee scale establishing a copayment for
17 parents based upon their ability to pay, which is the same for
18 all program providers, to be implemented and reflected in each
19 program's budget.

20 b. A choice of settings and locations in licensed,
21 registered, religious-exempt, or school-based programs to be
22 provided to parents.

23 c. Instructional staff who have completed the training
24 course as required in s. 402.305(2)(d)1., as well as staff who
25 have additional training or credentials as required by the
26 Agency for Workforce Innovation. The plan must provide a
27 method for assuring the qualifications of all personnel in all
28 program settings.

29 d. Specific eligibility priorities for children within
30 the early learning coalition's county or multicounty region in
31 accordance with subsection (6).

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1 e. Performance standards and outcome measures adopted
2 by the Agency for Workforce Innovation.

3 f. Payment rates adopted by the early learning
4 coalition and approved by the Agency for Workforce Innovation.
5 Payment rates may not have the effect of limiting parental
6 choice or creating standards or levels of services that have
7 not been authorized by the Legislature.

8 g. Systems support services, including a central
9 agency, child care resource and referral, eligibility
10 determinations, training of providers, and parent support and
11 involvement.

12 h. Direct enhancement services to families and
13 children. System support and direct enhancement services shall
14 be in addition to payments for the placement of children in
15 school readiness programs.

16 i. The business organization of the early learning
17 coalition, which must include the coalition's articles of
18 incorporation and bylaws if the coalition is organized as a
19 corporation. If the coalition is not organized as a
20 corporation or other business entity, the plan must include
21 the contract with a fiscal agent. An early learning coalition
22 may contract with other coalitions to achieve efficiency in
23 multicounty services, and these contracts may be part of the
24 coalition's school readiness plan.

25 j. Strategies to meet the needs of unique populations,
26 such as migrant workers.

27

28 As part of the school readiness plan, the early learning
29 coalition may request the Governor to apply for a waiver to
30 allow the coalition to administer the Head Start Program to

31 accomplish the purposes of the school readiness program. If a

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1 school readiness plan demonstrates that specific statutory
2 goals can be achieved more effectively by using procedures
3 that require modification of existing rules, policies, or
4 procedures, a request for a waiver to the Agency for Workforce
5 Innovation may be submitted as part of the plan. Upon review,
6 the Agency for Workforce Innovation may grant the proposed
7 modification.

8 5. Persons with an early childhood teaching
9 certificate may provide support and supervision to other staff
10 in the school readiness program.

11 6. An early learning coalition may not implement its
12 school readiness plan until it submits the plan to and
13 receives approval from the Agency for Workforce Innovation.
14 Once the plan is approved, the plan and the services provided
15 under the plan shall be controlled by the early learning
16 coalition. The plan shall be reviewed and revised as
17 necessary, but at least biennially. An early learning
18 coalition may not implement the revisions until the coalition
19 submits the revised plan to and receives approval from the
20 Agency for Workforce Innovation. If the Agency for Workforce
21 Innovation rejects a revised plan, the coalition must continue
22 to operate under its prior approved plan.

23 7. Sections 125.901(2)(a)3., ~~411.221~~, and 411.232 do
24 not apply to an early learning coalition with an approved
25 school readiness plan. To facilitate innovative practices and
26 to allow the regional establishment of school readiness
27 programs, an early learning coalition may apply to the
28 Governor and Cabinet for a waiver of, and the Governor and
29 Cabinet may waive, any of the provisions of ss. 411.223,
30 411.232, and 1003.54, if the waiver is necessary for
31 implementation of the coalition's school readiness plan.

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8. Two or more counties may join for purposes of planning and implementing a school readiness program.

9. An early learning coalition may, subject to approval by the Agency for Workforce Innovation as part of the coalition's school readiness plan, receive subsidized child care funds for all children eligible for any federal subsidized child care program.

10. An early learning coalition may enter into multiparty contracts with multicounty service providers in order to meet the needs of unique populations such as migrant workers.

Section 198. Paragraph (a) of subsection (3) of section 411.232, Florida Statutes, is amended to read:

411.232 Children's Early Investment Program.--

(3) ESSENTIAL ELEMENTS.--

(a) Initially, the program shall be directed to geographic areas where at-risk young children and their families are in greatest need because of an unfavorable combination of economic, social, environmental, and health factors, including, without limitation, extensive poverty, high crime rate, great incidence of low birthweight babies, high incidence of alcohol and drug abuse, and high rates of teenage pregnancy. The selection of a geographic site shall also consider the incidence of young children within these at-risk geographic areas who are cocaine babies, children of single mothers who receive temporary cash assistance, children of teenage parents, low birthweight babies, and very young foster children. To receive funding under this section, an agency, board, council, or provider must demonstrate:

1. Its capacity to administer and coordinate the programs and services in a comprehensive manner and provide a

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1 flexible range of services;

2 2. Its capacity to identify and serve those children
3 least able to access existing programs and case management
4 services;

5 3. Its capacity to administer and coordinate the
6 programs and services in an intensive and continuous manner;

7 4. The proximity of its facilities to young children,
8 parents, and other family members to be served by the program,
9 or its ability to provide offsite services;

10 5. Its ability to use existing federal, state, and
11 local governmental programs and services in implementing the
12 investment program;

13 6. Its ability to coordinate activities and services
14 with existing public and private, state and local agencies and
15 programs such as those responsible for health, education,
16 social support, mental health, child care, respite care,
17 housing, transportation, alcohol and drug abuse treatment and
18 prevention, income assistance, employment training and
19 placement, nutrition, and other relevant services, all the
20 foregoing intended to assist children and families at risk;

21 7. How its plan will involve project participants and
22 community representatives in the planning and operation of the
23 investment program; and

24 8. Its ability to participate in the evaluation
25 component required in this section. ~~and~~

26 ~~9. Its consistency with the strategic plan pursuant to~~
27 ~~s. 411.221.~~

28 Section 199. Subsection (4) of section 641.386,
29 Florida Statutes, is amended to read:

30 641.386 Agent licensing and appointment required;
31 exceptions.--

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1 (4) All agents and health maintenance organizations
2 shall comply with and be subject to the applicable provisions
3 of ss. 641.309 and 409.912(20) ~~409.912(21)~~, and all companies
4 and entities appointing agents shall comply with s. 626.451,
5 when marketing for any health maintenance organization
6 licensed pursuant to this part, including those organizations
7 under contract with the Agency for Health Care Administration
8 to provide health care services to Medicaid recipients or any
9 private entity providing health care services to Medicaid
10 recipients pursuant to a prepaid health plan contract with the
11 Agency for Health Care Administration.

12 Section 200. This act shall take effect upon becoming
13 a law.

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